

The Corporation of the
CITY OF WHITE ROCK



Governance and Legislation Committee
AGENDA

Monday, September 20, 2021, 5:00 p.m.

City Hall Council Chambers

15322 Buena Vista Avenue, White Rock, BC, V4B 1Y6

***Live Streaming/Telecast:** Please note that all Committees, Task Forces, Council Meetings, and Public Hearings held in the Council Chamber are being recorded and broadcasted as well included on the City's website at: www.whiterockcity.ca
T. Arthur, Director of Corporate Administration

	Pages
1. CALL TO ORDER Councillor Trevelyan, Chairperson	
2. ADOPTION OF AGENDA RECOMMENDATION THAT the Governance and Legislation Committee adopt the agenda for September 20, 2021 as circulated.	
3. ADOPTION OF MINUTES RECOMMENDATION THAT the Governance and Legislation Committee adopt the meeting minutes from July 26, 2021 as circulated.	3
4. BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM Corporate report dated September 20, 2021 from the Director of Planning and Development Services titled "Bylaw Notice Enforcement and Adjudication System". RECOMMENDATION THAT the Governance and Legislation Committee recommend: 1. Council direct staff to formally request the Ministry of the Attorney General to make the <i>Local Government Bylaw Notice Enforcement Act</i> applicable to the City of White Rock; and 2. Council direct staff to prepare a Bylaw Notice Enforcement Bylaw, a	8

5. **COUNCIL AND COMMITTEE PROCEDURE BYLAW, 2021, NO. 2393** 66
- Corporate report dated September 20, 2021 from the Director of Corporate Administration titled "Council and Committee Procedure Bylaw, 2021 No. 2393".
- RECOMMENDATION**
THAT the Governance and Legislation Committee recommend Council endorse the new proposed Council and Committee Procedure Bylaw, 2021 No. 2393 as circulated.
6. **PROPERTY ENCROACHMENT ON CITY LAND UPDATE** 148
- Corporate report dated September 20, 2021 from the Director of Engineering and Municipal Operations titled "Property Encroachment on City Land Update".
- RECOMMENDATION**
THAT the Governance and Legislation Committee:
1. **Endorse, staff continuing to administer the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment.**
 2. **Provide direction on whether exceptions to the Street and Traffic Bylaw for minor encroachments be considered on a case by case basis through Encroachment Agreements that set out annual insurance requirements, maintenance, property rental and unilateral termination by the City, and whether property rental rates of \$10/ft to be included in the Fees and Charges Bylaw.**
7. **CONCLUSION OF THE SEPTEMBER 20, 2021 GOVERNANCE AND LEGISLATION COMMITTEE MEETING**



Governance and Legislation Committee

Minutes

July 26, 2021, 5:00 p.m.

City Hall Council Chambers

15322 Buena Vista Avenue, White Rock, BC, V4B 1Y6

PRESENT: Mayor Walker
Councillor Chesney
Councillor Fathers
Councillor Kristjanson (arrived at 5:02 p.m.)
Councillor Manning
Councillor Trevelyan

ABSENT: Councillor Johanson

STAFF: Guillermo Ferrero, Chief Administrative Officer
Tracey Arthur, Director of Corporate Administration
Jim Gordon, Director of Engineering and Municipal Operations
Eric Stepura, Director of Recreation and Culture
Shannon Johnston, Manager of Budgets and Accounting
Greg Newman, Manager of Planning
Donna Kell, Manager of Communications
Debbie Johnstone, Deputy Corporate Officer

1. CALL TO ORDER

Councillor Trevelyan, Chairperson

The meeting was called to order at 5:00 p.m.

2. MOTION TO CONDUCT GOVERNANCE AND LEGISLATION COMMITTEE MEETING WITHOUT THE PUBLIC IN ATTENDANCE

Motion Number: 2021-G/L-072

It was MOVED and SECONDED

WHEREAS COVID-19 has been declared a global pandemic;

WHEREAS the City of White Rock has been able to continue to provide the public access to the meetings through live streaming;

WHEREAS holding public meetings in the City Hall Council Chambers, where all the audio/video equipment has been set up for the live streaming program, would not be possible without breaching physical distancing restrictions due to its size, and holding public meetings at the White Rock Community Centre would cause further financial impact to City Operations due to staffing resources and not enable live streaming;

WHEREAS Ministerial Orders require an adopted motion in order to hold public meetings electronically, without members of the public present in person at the meeting;

THEREFORE BE IT RESOLVED THAT the Governance and Legislation Committee (including all members of Council) authorizes the City of White Rock to hold the July 26, 2021 meeting to be video streamed and available on the City's website, and without the public present in the Council Chambers.

Absent (1): Councillor Johanson

Motion CARRIED (6 to 0)

3. ADOPTION OF AGENDA

Motion Number: 2021-G/L-073

It was MOVED and SECONDED

THAT the Governance and Legislation Committee adopt the agenda for July 26, 2021 as circulated.

Absent (2): Councillor Johanson, and Councillor Kristjanson

Motion CARRIED (5 to 0)

4. **ADOPTION OF MINUTES**

Motion Number: 2021-G/L-074

It was MOVED and SECONDED

THAT the Governance and Legislation Committee adopt the meeting minutes from July 12, 2021 as circulated.

Absent (2): Councillor Johanson, and Councillor Kristjanson

Motion CARRIED (5 to 0)

5. **ACQUISITION OF PROPERTY FOR AFFORDABLE HOUSING**

Corporate report dated July 26, 2021 from the Director of Planning and Development Services titled "Acquisition of Property for Affordable Housing".

Councillor Kristjanson arrived at the meeting at 5:02 p.m.

The Manager of Planning provided a PowerPoint outlining the corporate report.

The following discussion points were noted:

- 1430 Blackwood would be a good example - under contract at this time. Council has looked at this property in the past, but that was not considered in the context of this report.
- Review of existing City land holdings is an option. It was inquired as to how many City owned sites there are and do they include rentals. Staff noted they would provide this information to Council.
- Housing Needs Study is required / next step

Note: Staff will bring forward more information on this in early fall. Staff were asked to include information in regard to Peace Arch Manor.

Motion Number: 2021-G/L-075

It was MOVED and SECONDED

THAT the Governance and Legislation Committee receive the July 26, 2021 corporate report from the Director, Planning and Development Services, titled "Acquisition of Property for Affordable Housing."

Absent (1): Councillor Johanson

Motion CARRIED (6 to 0)

6. PROPOSED REVISIONS TO COUNCIL POLICY 511: DENSITY BONUS/ AMENITY CONTRIBUTION POLICY RELATED TO THE OFFICIAL COMMUNITY PLAN AMENDMENT

Corporate report dated July 26, 2021 from the Director of Planning and Development Services titled "Proposed Revisions to Council Policy 511: Density Bonus/ Amenity Contribution Policy related to the Official Community Plan Amendment".

The Manager of Planning provided a PowerPoint that outlined of the corporate report.

Motion Number: 2021-G/L-076

It was MOVED and SECONDED

THAT the Governance and Legislation Committee recommend Council endorse the proposed revisions to Council Policy 511: Density Bonus / Amenity Contribution Policy.

Absent (1): Councillor Johanson

Motion CARRIED (6 to 0)

7. OTHER BUSINESS / NEXT GOVERNANCE MEETING

- The City's Social Media Policy

Motion Number: 2021-G/L-077

It was MOVED and SECONDED

THAT the Governance and Legislation Committee request staff to bring forward a draft social media policy that would include Council's role regarding the use of social media to the next Governance and Legislation Committee meeting; included would be information as to what other City's are doing.

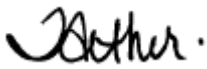
Absent (1): Councillor Johanson

Motion CARRIED (6 to 0)

8. **CONCLUSION OF THE JULY 26, 2021 GOVERNANCE AND LEGISLATION COMMITTEE MEETING**

The meeting was concluded at 5:31 p.m.

Mayor Walker



Tracey Arthur, Director of
Corporate Administration

Unapproved

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: September 20, 2021

TO: Governance and Legislation Committee

FROM: Carl Isaak, Director, Planning and Development Services

SUBJECT: Bylaw Notice Enforcement and Adjudication System

RECOMMENDATIONS

THAT the Governance and Legislation Committee recommend:

1. Council direct staff to formally request the Ministry of the Attorney General to make the *Local Government Bylaw Notice Enforcement Act* applicable to the City of White Rock; and
 2. Council direct staff to prepare a Bylaw Notice Enforcement Bylaw, a Screening Officer Policy, and amendments to existing bylaws as necessary to implement a bylaw notice and adjudication system.
-

EXECUTIVE SUMMARY

This corporate report introduces the Bylaw Notice Enforcement and Adjudication System (the 'system') and requests a resolution to pursue the development of this system.

The system enables a more efficient and cost-effective administrative process for dealing with bylaw infractions, and has been identified by the Citywide Parking Strategy as one of the tools to assist in improving the efficiency of addressing parking violations.

Under the *Local Government Bylaw Notice Act*, in order to participate in this system a local government is required to have the Ministry of the Attorney General enact a regulation to make the *Act* applicable to them.

Once the Attorney General has registered the City under the *Act*, the City's bylaws may be amended to implement the system. A new Screening Officer Policy is also recommended to be prepared as an integral part of the system.

The Governance and Legislation Committee is given background information for discussion purposes and requested to recommend that Council pass resolutions to direct staff to initiate the steps necessary to implement this system.

PREVIOUS COUNCIL DIRECTION

Not applicable.

INTRODUCTION/BACKGROUND

The purpose of this corporate report is to provide information to the Governance and Legislation Committee on the Bylaw Notice Enforcement and Adjudication System and obtain a resolution from Council to pursue the development of this system. The system provides an alternate way to enforce and resolve disputes relating to minor violations of bylaws such as animal control, business licensing, zoning, signs, parking, building, noise, parks, trees, and unsightly premises.

Under the *Local Government Bylaw Notice Act*, in order to participate in this system a local government is required to have the Ministry of the Attorney General enact a regulation to make the *Act* applicable to them.

Once the Attorney General has registered the City under the *Act*, the City's bylaws may be amended to implement the system. A new Screening Officer Policy is also recommended to be prepared as an integral part of the system.

History of Bylaw Notice and Adjudication System

There are currently 103 local governments in British Columbia that have proceeded with a bylaw notice enforcement and dispute adjudication system. The system was introduced in 2004 as a pilot project involving three North Shore municipalities (District of North Vancouver, City of North Vancouver, and City of West Vancouver) as a way to deal with local government bylaw infractions and disputes outside of the Provincial Court system. The experience with the pilot project showed an improvement in collection of outstanding fines, satisfaction with the speed and fairness of the dispute system, and reduction in the number of tickets disputed.

Due to the success of the pilot project, the system was expanded to allow the participation of local government across the Province. The *Local Government Bylaw Enforcement Act* allows that a local government may establish, by bylaw, a system that allows for:

- Offenses to be dealt with by issuing a bylaw notice (ticket), which may be mailed, left at the site of contravention (i.e., car windshield), or delivered in person;
- Penalties for contraventions to be set up to \$500, with potential for reduced penalties for early repayment and/or compliance agreements;
- The timeline for paying and disputing a notice (ticket);
- A process for disputing a ticket, and a fee for disputes that are not successful; and
- Internal screening officers to review disputed tickets, with authority to enter into compliance agreements.

The ability to mail violation notices is an improvement on the current ticketing system, as there are occasions when the infraction occurs after hours or is known to have been committed by an out-of-town contractor or property owner and serving the ticket personally is challenging.

For tickets that do proceed to Provincial Court, this would require the attendance of City staff and/or legal counsel, resulting in lost staff time or legal costs.

FINANCIAL IMPLICATIONS

It is anticipated that the cost of operating a bylaw adjudication system would be offset by the higher rate of fines collected and that it would not result in overall additional costs.

The City does have a Bylaw Ticketing module in the Tempest software which may require minor upgrades to accommodate the different process for Bylaw Notices. Costs, if any, would be brought forward during the budget preparations for the 2022-2026 Financial Plan.

LEGAL IMPLICATIONS

The *Local Government Bylaw Notice Enforcement Act and Regulation and Community Charter* enable local governments to enact their own Bylaw Notice Enforcement Bylaws.

The draft Bylaw Notice Enforcement Bylaw may require legal review prior to being brought forward for consideration.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

Not applicable.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

This report has been reviewed by Bylaw Enforcement and Parking staff in the Planning and Development Services Department.

If the Bylaw Notice and Adjudication System proceeds, staff from various departments will be involved with providing input on appropriate penalties for the regulatory bylaws that impact their areas of responsibility (e.g. Engineering staff for Street and Traffic Bylaw, etc.).

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

Implementing a Bylaw Adjudication system is under the 2021-22 Strategic Priority theme of “Our Economy” under the objective to improve provision of efficient and cost effective services.

OPTIONS / RISKS / ALTERNATIVES

The following alternative option is available for the Committee’s consideration:

1. Direct staff not to proceed with a bylaw adjudication system and continue to use the Municipal Ticket Information (MTI) and *Offence Act* (long form prosecution) systems for bylaw offences and penalties.

CONCLUSION

This corporate report introduces the Bylaw Notice Enforcement and Adjudication System (the ‘system’) and requests that the Committee recommend that Council pass resolutions to direct staff to initiate the steps necessary to implement this system.

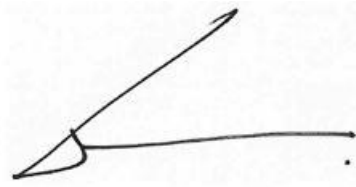
Respectfully submitted,



Carl Isaak, RPP, MCIP
Director, Planning and Development Services

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.

A handwritten signature in black ink, consisting of a stylized 'G' followed by a horizontal line and a small dot at the end.

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Local Government Toolkit: Bylaw Dispute Adjudication System (2005)



BRITISH
COLUMBIA

Ministry of Attorney General



BRITISH
COLUMBIA

Ministry of Community Services

Local Government

TOOLKIT:

Bylaw Dispute Adjudication System

Acknowledgements

This *Local Government Bylaw Dispute Adjudication System Toolkit* is the result of collaboration between the participating communities of the North Shore Adjudication Model Pilot Project (District of West Vancouver, District of North Vancouver, and City of North Vancouver), the Local Government Advisory Services Branch of the Ministry of Community Services, the Local Government Management Association of British Columbia (LGMA), and the Court Services Branch of the Ministry of Attorney General.

Court Services Branch would like to recognize Barbara Hamilton, Bylaw Supervisor for the City of North Vancouver, for her assistance in providing the “sample” documents that are included in this toolkit. Thanks also to CivicInfo BC for hosting this Toolkit, and other Bylaw Dispute Adjudication System resources, on its website (www.civicinfo.bc.ca).

Disclaimer

The purpose of this Toolkit is to assist local governments that are implementing the *Local Government Bylaw Notice Enforcement Act*, which allows for locally-based administration and adjudication of bylaw violation disputes. It is intended to be an “evergreen” document, and may be updated periodically, as appropriate.

This Toolkit includes information on how the adjudication model differs from other existing methods of municipal bylaw ticketing and administration. It also includes background information, policies and processes, forms and communication materials that were used as part of the North Shore Adjudication Model pilot project. These materials should be considered guiding documents **only** and should be modified, as appropriate, to fit the requirements of each local government.

This Toolkit is not a legal document and should not be considered as a substitute for the governing legislation and regulations. If in doubt on any information provided in this toolkit, users are encouraged to seek a legal opinion to ensure conformity with the legislation.

Victoria, September 2005

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1. INTRODUCTION

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw infractions, the *Local Government Bylaw Notice Enforcement Act*.

Bylaw infractions are a common occurrence in any local government that enacts regulatory bylaws. Prior to the *Local Government Bylaw Notice Enforcement Act* (the Act), there were three main strategies used by local governments to deal with a problem:

1. seek voluntary compliance;
2. issue a traffic “offence notice” seeking voluntary payment of a prescribed fine in the case of parking infractions; or
3. initiate formal court proceedings by issuing a municipal ticket information (MTI) or swearing an Information and issuing a Summons.

Initiating formal court proceedings can be costly, and some local governments choose to avoid these enforcement costs abandoning enforcement if voluntary compliance is not forthcoming.

Over the past fifteen years, there have been various calls for bylaw reform with respect to enforcement and prosecution. Calls for reform have come from the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges’ Task Group on Sitting Justices of the Peace. In response to these calls, the Province enacted the *Local Government Bylaw Notice Enforcement Act*.

New Adjudication Model

The goal of the new adjudication model is to create simple, fair, and cost-effective systems for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes.

Legislation

Under the Act, local governments may establish a local government bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches. The Act, and the authority it provides to establish an adjudication system, applies to both municipalities and regional districts by regulation. In order to proceed, these local governments may make a request to the Ministry of Attorney General to have a regulation enacted, in order to make the Act applicable to them.

1. INTRODUCTION

The legislation is designed to enable the creation of simple, cost-effective administrative systems for enforcing minor bylaw infractions, ranging from parking to dog licensing to minor zoning infractions. The two main features of an adjudication system are a simple “front-end” ticket process for initiating enforcement, and a locally managed “back-end” venue for a non-judicial adjudicator to hear ticket disputes.

Pilot Project Results

Beginning in May 2004, the adjudication model was piloted in three North Shore municipalities (City of North Vancouver, the District of North Vancouver and the District of West Vancouver). These municipalities maintained independent ticketing processes to enforce their individual regulatory bylaws, but shared administrative processes around the adjudication of disputes.

The findings of an evaluation of the first eight months of the pilot indicated that:

1. the time from ticket issuance to ticket disposition was reduced;
2. the fine payment rates were improved;
3. the ticket dispute rates were reduced, and
4. there was potential to reduce the costs associated with personal service of documents.

As a result of this successful pilot, the Attorney General is now expanding the authority for use of the adjudication system to interested local governments across the province.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Under the new model, formal bylaw enforcement action begins with the completion of a Bylaw Notice by a local government bylaw enforcement officer.

The Bylaw Notice informs the recipient of:

1. the allegation of a bylaw contravention that is being made;
2. the penalty for the contravention; and
3. how to pay the fine or dispute the allegation.

The Bylaw Notice may be delivered in a variety of fashions, including leaving it on a car or mailing it. Unless the Bylaw Notice is delivered in person, it is presumed to have been received, and allowances are made in the event that the person claims not to have received it.

Serving the Bylaw Notice

Once the Bylaw Notice is received, or presumed received, it becomes legally effective and the recipient has a fixed period of time in which to take action on it. The precise duration of this period is set in the local government bylaw, but must be at least 14 days. Within that period, the person named on the Notice, or the registered owner of the car if it was left on a vehicle, must either pay the fine amount noted on the Notice or notify the local government that he or she wishes to dispute the allegation. In the event the person does neither, the amount of the Notice, plus an additional late payment penalty if one has been established in the local government bylaw, will be due and owing to the local government.

Screening Officer

In order to reduce the number of disputed Notices forwarded to adjudication, a local government has the option of establishing a screening officer to review disputed Notices. The screening officer has the authority to cancel a Bylaw Notice if he or she believes that the allegation did not occur, or that the required information is missing from the Notice. The local government may also permit the screening officer to cancel a Bylaw Notice in other circumstances set out by the local government. A screening officer may conduct the review based on discussion or correspondence with the disputant, and will typically explain the process and potential consequences of dispute adjudication.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Compliance Agreements

For infractions where compliance is a goal, the local government may also authorize a screening officer to enter into a compliance agreement with a person who has received a Bylaw Notice. A compliance agreement will include acknowledgement of the contravention of the bylaw and will typically set out remedies or conditions on future behaviour to be performed within a designated period of time, and reduce or waive the fine at the conclusion of that period.

Disputes

If the screening officer determines that cancellation or a compliance agreement is not possible and the person still wishes to dispute the allegation, the disputant must confirm this and indicate whether he or she plans to appear at the hearing in person, in writing or by telephone. A disputant may also choose to appear by other electronic means, such as video conferencing, although the local government may require the disputant to cover any extraordinary costs associated with appearing in a less conventional manner.

The screening officer or a clerk will then schedule a day and time for the adjudication, notify the disputant of these details, and request the presence of an adjudicator. The person named in the Bylaw Notice may choose to pay the applicable fine at any time, although payment after the deadline may result in a higher fine amount.

Adjudication of the Dispute

At the adjudication hearing, an adjudicator will hear from both the disputant and the local government and decide whether he or she is satisfied that the contravention probably occurred as alleged. When considering a matter, the adjudicator can review documents submitted by either party, or hear from the parties or witnesses over the telephone. All adjudications are open to the public.

The appointment, training and management of the adjudicator roster occur at arms-length from the local government. Adjudicators are appointed by the Deputy Attorney General following a transparent procurement process.

Disposition of the Infraction

The function of the adjudicator is strictly to confirm or cancel the Bylaw Notice, and the adjudicator has no discretion to reduce or waive the fine amount. Similarly, the adjudicator has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms. The adjudicator must proceed on the assumption that the bylaw is legally valid.

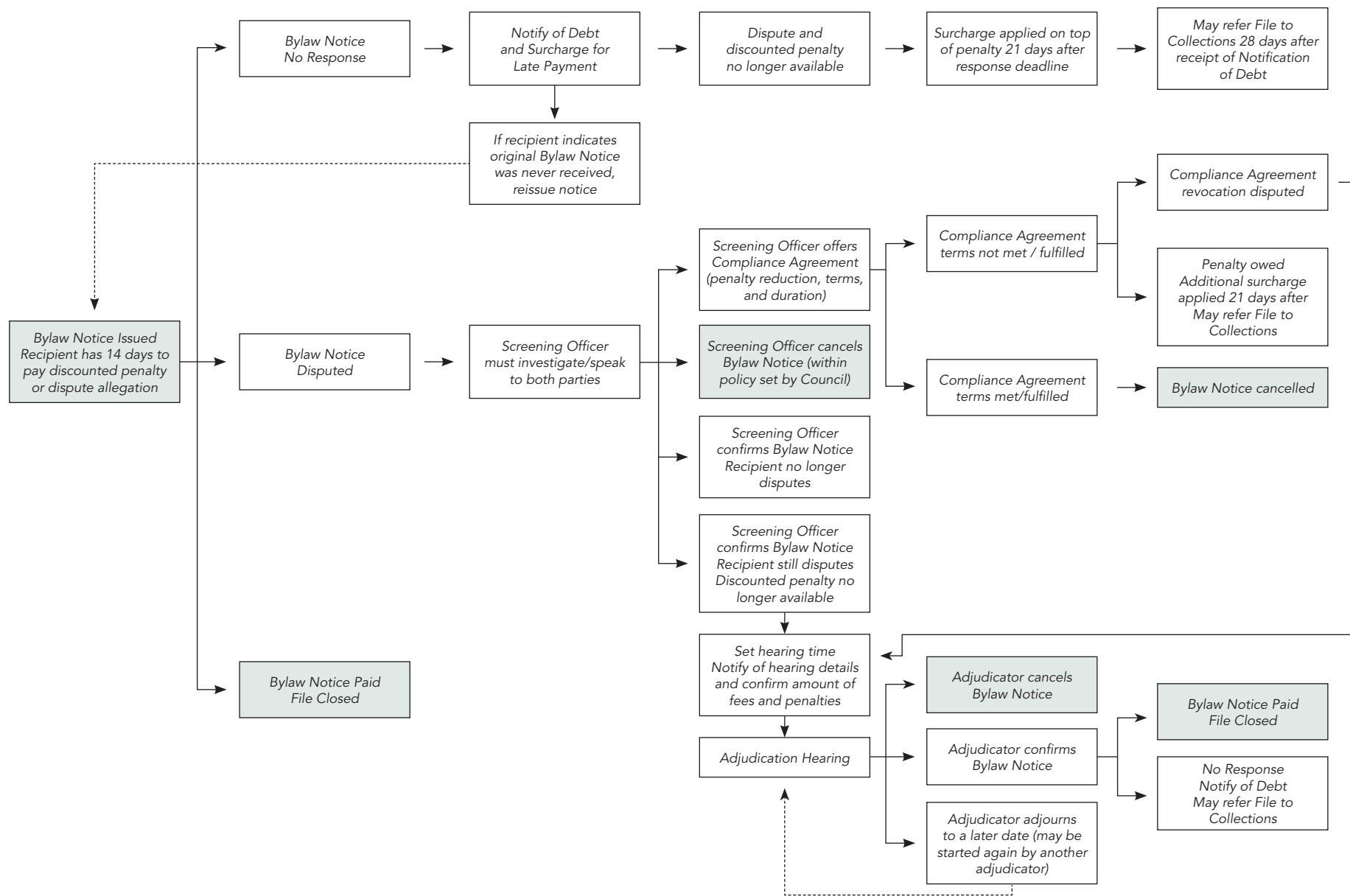
If the Bylaw Notice is confirmed, the fine amount noted on the face of the Bylaw Notice, plus a locally established dispute cost-recovery fee of not more than \$25, is payable to the local government.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Appeals

Decisions of the adjudicator are final and the Act does not allow for appeals. If a failed disputant or the local government feel that the adjudicator exceeded his or her authority, or made an error at law, the person or local government may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*.

2.1. Flowchart: Bylaw Notice Enforcement and Adjudication Process



2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Legal Authority	<i>Local Government Bylaw Notice Enforcement Act</i>	<i>Community Charter or Vancouver Charter</i>	<i>Community Charter or Vancouver Charter, Offence Act</i>
Demand notice used	No.	Typically used where personal service is not immediately feasible.	Possible, but unlikely, to be used until Summons can be obtained.
Legal initiation	Bylaw Notice (BN) certified by enforcement officer.	Municipal Ticket Information (MTI) sworn by enforcement officer.	Court-issued Summons based on sworn "Form 2" Information.
Service requirements	Reasonable delivery.	Personal service.	Personal service.
Notice requirements	BN must contain prescribed information, may include additional information as determined by local government.	MTI must be complete and in the prescribed form.	Summons must be complete and in the prescribed form.
Conviction?	No – contravention of bylaw, but not an offence.	Yes – conviction of a bylaw offence.	Yes – conviction of a bylaw offence.
Single occurrence penalties	Ticket fine amount as in the bylaw; bylaw limit \$500.	Ticket fine amount as in the bylaw; bylaw limit set at \$1000 by regulation.	Court may impose all or part of the applicable fine amount. Fine amount may be a range set in the bylaw, or if no amount is set, up to \$2,000 and 6 months imprisonment; bylaw limit for municipalities other than Vancouver is \$10,000 unless otherwise provided in authorizing statute (e.g. <i>Environmental Management Act</i> limit of \$200,000).
Variation of penalties	Adjudicator cannot modify the ticket fine amount.	The justice must consider the means and ability of the defendant to pay the fine, and, if the justice is of the opinion that the defendant is unable to pay the amount of the fine that the justice would otherwise impose, the justice may impose a fine in a lesser amount that the justice considers appropriate.	The justice must consider the means and ability of the defendant to pay the fine, and, if the justice is of the opinion that the defendant is unable to pay the amount of the fine that the justice would otherwise impose, the justice may impose a fine in a lesser amount that the justice considers appropriate.

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Continuing penalties	None – require separate BN.	Yes – Effective January 1, 2004 penalties for continuing offences (not exceeding the amount prescribed by regulation) can be established for each day that the offence continues.	Yes – Penalties for continuing offences (ranging from the minimum fine to a maximum of \$ 10,000) can be established for each day that the offence continues.
Early payment discounts?	Yes – bylaw may provide for a discount for payment on or before the last day of the period to pay or dispute, and a surcharge for payment of the penalty within a specified period following the deadline to pay or dispute.	Yes – different penalty amounts permitted before and after 30 days from ticket issuance if ticket is not disputed.	No.
Mandatory Court attendance?	No – payment or dispute in administrative adjudication.	No – payment or dispute in Provincial Court.	Yes – Summons has been issued and appearance in Provincial Court required.
Period to dispute or pay	As set in local government bylaw, but no less than 14 days.	Period to pay or dispute is 14 days.	No option to pay or dispute, appearance on date in Summons.
Dispute the allegation?	Yes – the allegation may be disputed by providing a notice of dispute to the local government in accordance with instructions on the BN.	Yes – the allegation may be disputed by providing notice of dispute to local government by mail or in person at the address set out on the MTI; must include address for the person disputing the allegation and sufficient information to identify the ticket and the alleged contravention being disputed.	No notice required; appearance occurs on date in Summons.
Dispute screening	Formal screening; designated “Screening Officer” may: cancel the BN in accordance with local government policy; confirm the BN; or enter into a compliance agreement with BN recipient.	No clear authority for formal dispute screening, although it is known that some local governments abandon MTI proceedings by failing to forward the file to the Court Registry, or withdrawing the file from the Court Registry.	No.

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Administration of the notice of dispute	Local government initiates and retains file. Local government schedules hearing and notifies disputant, enforcement officer and adjudicator organization.	Local government initiates and retains file. Local government transfers a copy of the file to local Court Registry. Court Registry schedules hearing and notifies disputant, enforcement officer, and local government.	Court Registry initiates and retains file. Court Registry schedules hearing and notifies disputant, enforcement officer and local government.
Hearing location	As determined by local government.	Courthouse	Courthouse
Adjudicator selection	Adjudicator selection for scheduled time managed by independent adjudicator organization in accordance with regulations.	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)
Decision-maker	All BN matters determined by an independent adjudicator	<p>All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge.</p> <p>Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.</p>	<p>All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge.</p> <p>Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.</p>
Burden of proof	On a balance of probabilities (civil scale)	Beyond a reasonable doubt (criminal scale)	Beyond a reasonable doubt (criminal scale)

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing procedures	<p>Hearings must be open to the public.</p> <p>An adjudicator may adjourn a hearing, and adopt procedures that are conducive to justly and expeditiously determining a dispute.</p> <p>Before making a determination in a dispute, an adjudicator must provide the parties to the dispute with an opportunity to be heard.</p> <p>A party may be heard, at the election of the party, in person or by an agent, in writing, including by facsimile transmission or electronic mail, or by video conference, audio conference, telephone or other electronic means, if available.</p>	<p>Rules of Court apply.</p> <p>A justice may adopt procedures that are conducive to justly and expeditiously determining the matter.</p> <p>The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent.</p> <p>A witness must be examined on oath or affirmation.</p> <p>The justice has full power and authority to administer to a witness the usual oath or affirmation.</p> <p>A justice may in his or her discretion, before or during a trial, adjourn the trial.</p>	<p>Rules of Court apply.</p> <p>The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent.</p> <p>A witness must be examined on oath or affirmation.</p> <p>The justice has full power and authority to administer to a witness the usual oath or affirmation.</p> <p>A justice may in his or her discretion, before or during a trial, adjourn the trial.</p>
Rules of evidence	<p>An adjudicator may accept any evidence the adjudicator considers to be credible, trustworthy and relevant to the dispute, including the evidence of any person.</p> <p>An adjudicator may accept evidence in any manner the adjudicator considers appropriate including, without limitation, orally, in writing, or electronically.</p> <p>The technical and legal rules of evidence do not apply, except the rules relating to privileged communications.</p>	<p>A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy.</p> <p>A justice may not admit anything that is privileged under the laws of evidence.</p>	<p>A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy.</p> <p>A justice may not admit anything that is privileged under the laws of evidence.</p>

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing outcome	The adjudicator must, after considering the matter, (a) order that the penalty set out in the BN is immediately due and payable, or (b) order that the BN is cancelled.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the MTI.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the Information.
Avenue of appeal	Decisions of adjudicators may not be appealed; however, if a disputant or local government feels an adjudicator went beyond his/her authority, they may make an application to the Supreme Court for judicial review.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.
Failure to respond	If a person fails to respond to a BN within the prescribed time limits, they are deemed to have pleaded guilty. The fine becomes due and payable immediately.	If a person fails to respond after 14 days, the municipality may file an <i>Affidavit of No Response</i> with the registry and a JP can convict or quash ticket.	Deemed to have plead guilty; fine is due and payable immediately.
Failure to appear at requested hearing	If a person who has requested or required dispute adjudication fails to appear, the adjudicator must order that the penalty set out in the BN is immediately due and payable by the person to the local government indicated on the BN. If the local government subsequently files a certificate of amounts owing with the Provincial Court, the person may make application to the court within 30 days to have the certificate cancelled and a new adjudication date set by the local government.	If a person fails to attend at a court hearing to dispute an MTI, he or she may be found guilty for failure to attend the hearing. If the offender comes before a Court Services justice of the peace within 30 days of the missed hearing date, he or she may file an <i>Affidavit in Support of an Application to Strike Out a Conviction</i> under section 272(4) of the <i>Community Charter</i> or section 482.1(13) of the <i>Vancouver Charter</i> .	If a person fails to attend at a court hearing he or she may be deemed convicted for failure to attend the hearing. The alleged offender must follow certain procedures to bring the dispute hearing back before the court. If a person comes before a justice within 30 days of the missed hearing date, he or she may file an <i>Affidavit Under Section 15(10) of the Offence Act</i> . If a person comes before a justice more than 30 days after the missed hearing date, he or she may file an <i>Affidavit Under Section 16(2) of the Offence Act</i> .

2.2. COMPARATIVE CHART: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Costs	A local government may require payment of a fee of not more than \$25 payable by a person who is unsuccessful in dispute adjudication, in relation to a BN or a compliance agreement, for the purpose of recovering the costs of the adjudication system.	None may be imposed	<p>Court may impose costs of prosecution.</p> <p>The justice may, in his or her discretion, award and order costs the justice considers reasonable to the local government by the defendant, if the justice convicts or makes an order against the defendant, or costs payable to the defendant by the local government if the justice dismisses an Information.</p> <p>An order of costs must be set out in the conviction, order, or order of dismissal.</p> <p>Costs awarded and ordered to be paid by a person under this section are deemed to be all or part, as the case may be, of a fine imposed against the person.</p>
Suspended or reduced penalty possible?	Before hearing – screening officer, if authorized, may enter into a voluntary compliance agreement with the disputant. Under a compliance agreement, the person must accept liability for the contravention, and may pay a reduced penalty (as set by bylaw) in exchange for observing the terms and conditions the screening officer considers necessary or advisable.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.
Collection of amounts owing	If a penalty or part of a penalty (and related fees or charges imposed) is not paid promptly, the justice or court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	If a penalty or part of a penalty (and related fees or charges imposed) is not paid promptly, the justice or court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	If a penalty or part of a penalty (and related fees or charges imposed) is not paid promptly, the justice or court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Successful implementation of a bylaw adjudication system requires some forethought and collaboration. For the North Shore pilot project, planning began approximately six months before the system took effect, and required collaboration not only among the three municipalities, but also amongst staff from the corporate services, bylaw enforcement, information technology and finance departments of each of the three participating municipalities.

When establishing a bylaw adjudication system, here are some questions to consider:

WHAT

- **What bylaws and specific provisions will be dealt with by Bylaw Notice?**

This is an important question to consider, as the adjudication system is best suited to contraventions that are simple to confirm, as the adjudicator's authority is limited to *determining whether the contravention occurred as alleged*.

A hearing before an adjudicator is less formal than a hearing before a Judge or Judicial Justice of the Peace, and an adjudicator is not in a position to impose any conditions of future behaviour when confirming a Bylaw Notice.

- **What penalties will apply for different categories of contraventions?**
- **Will early-payment discounts and/or late-payment surcharges apply?**
- **Will dispute fees apply?**

The maximum penalty under the system is \$500, within which the legislation permits considerable flexibility to establish early and late payment penalties. Prior to January 1, 2004, when the need for the Chief Judge of the Provincial Court to approve Municipal Ticket Information (MTI) penalties was eliminated in the *Community Charter*, most ticket fines were set at less than \$300.

Bylaw infractions heard in court have the potential to result in more significant penalties, as the maximum penalty for an MTI is \$1000. The Bylaw Notice system is designed to work best where a smaller fine would be a sufficient deterrent to future violations, although it can be used as part of an escalating enforcement scheme with persistent bylaw violators.

In the District of West Vancouver, virtually all contraventions of the Street and Traffic Bylaw may be enforced with a Bylaw Notice. The District has "dovetailed" the schedules of its Bylaw Notice and MTI ticketing bylaws to provide escalating penalties for two of the more serious infractions. By policy, the District issues a Bylaw Notice in the first instance of a violation, and may issue a MTI, with double the penalty, for a subsequent violation.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

- **What information is to appear on the face of the Bylaw Notice?**

Beyond the basic information required by the legislation, local governments have considerable flexibility to customize the ticket face, allowing tickets to be designed to suit local enforcement and information management practices.

For example, printed ticket books may be easier to use if all the possible contraventions are listed; this is unnecessary for hand-held electronic ticket printers that may provide a menu of programmed contraventions.

- **What types of contraventions, if any, may be resolved through a compliance agreement?**
- **Under what conditions, and will there be penalty relief? For how long?**

Compliance agreements are only possible if a screening officer has been authorized to enter into the agreement on behalf of the local government. Compliance agreements are best suited to situations of ongoing contravention, rather than a series of incidents of contravention where a reduced penalty is likely to result in sustained correction of the contravention.

WHEN

- **When will the period to pay or dispute the Bylaw Notice end?**

The North Shore municipalities chose to establish the minimum allowable 14-day period for payment or dispute of a ticket, which is consistent with the period to do so under the Municipal Ticket Information system.

In contrast, the equivalent period for paying or disputing a Provincial Violation Ticket is 30 days, if served on a person, or 45 days (from the date of issue) if mailed to the registered owner of a motor vehicle.

WHO

- **Who may issue a Bylaw Notice, and how?**

In the context of the Act, a bylaw enforcement officer means an individual who has been designated by class of employment to enforce one or more bylaws. The same classes of individuals who may be authorized to issue MTIs may be authorized to issue Bylaw Notices.

When implementing the MTI, some local governments elected to specify different classes of enforcement officers for different bylaws, which is consistent with the provincial approach to Violation

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Ticket issuance. Other jurisdictions have authorized some or all of the individuals in these classes to issue MTIs.

- **Will screening officers be used?**
- **Who can be a screening officer?**
- **Under what circumstances can screening officers be authorized to cancel a Bylaw Notice?**

The creation of a screening officer role is an optional element of the system under the legislation, but is highly recommended.

A screening officer does not need to be a bylaw enforcement officer, but should have some familiarity with the bylaws to be enforced and be available to respond to Bylaw Notice recipients in a timely fashion. This might include bylaw or licensing clerks who are available during office hours, senior bylaw enforcement staff or department heads.

The screening officer cancellation policy protects the local government from accusations of preferential or unfair treatment, while still permitting the flexibility to cancel a Bylaw Notice where this is deemed reasonable. The three North Shore municipalities have adopted slightly different screening policies (as outlined in Appendix A of this Toolkit).

WHERE

- **Where will disputes be held? Where should formal correspondence regarding the adjudication of disputes be sent?**

The only stipulation with respect to the location for conducting adjudications is that hearings must be open to the public or be accessible by telephone. The address for correspondence regarding disputes may be the adjudication location or the office where staff responsible for scheduling disputes are located.

HOW

- **How will the new system be explained to the public and internal staff?**

The North Shore municipalities made internal and external communication a priority when establishing the adjudication system. A communication plan for system implementation, identifying the information needs of all potential stakeholders, was created. A news release and backgrounder were prepared for release to the media. See Section 7 for samples of these documents.

3.1. "GETTING STARTED" – A Checklist for Local Governments

Initial Preparations

- ☐ Determine if Bylaw Notice enforcement makes sense for the types of regulatory matters dealt with by your local government
- ☐ Determine if the dispute adjudication system will apply to more than one local government. If so, determine which local government will be responsible for the day to day administration of the shared process and where the adjudication hearings will be held
- ☐ Provide a Staff Report to the Council or Board recommending implementation of Bylaw Dispute Adjudication System
- ☐ Forward a copy of a Council or Board resolution indicating the intent to establish a Bylaw Dispute Adjudication System to Court Services Branch, Ministry of Attorney General (Attention: Wayne Willows)
- ☐ Negotiate an agreement between participating local governments, and enact necessary bylaws to enter into the agreement, if required

Implementation (Policies and Procedures)

- ☐ Determine key system features, such as the time to pay or dispute, matters to be enforced by Bylaw Notice, use of screening officers, fine and fee amounts, etc
- ☐ Prepare bylaw to adopt Bylaw Dispute Adjudication System
- ☐ Prepare Screening Officer Policy, if required
- ☐ Prepare Registry Operations Policy, if required, (refer to Appendix B)
- ☐ Prepare a communications plan (refer to Sample Communications Plan)
- ☐ Train enforcement officers, screening officers, registry and finance staff
- ☐ Prepare implementation and operational budgets
- ☐ Consult with Court Services Branch re: process for scheduling adjudicators

3.1. "GETTING STARTED" – A Checklist for Local Governments

Implementation (Forms and Systems)

- ☐ Assess enforcement and collections software, make modifications as required
- ☐ Prepare Bylaw Notice forms
- ☐ Prepare notification letters (refer to sample mail-delivery letter and re-issue letter)
- ☐ Prepare Screening Officer forms

3.2. Bylaws and Bylaw Notices

Section 2 of the *Local Government Bylaw Notice Enforcement Act* ("the Act") provides that a local government may deal with contraventions of its bylaws via Bylaw Notice. If a local government wants to implement a bylaw dispute adjudication system, it must adopt an authorizing bylaw that:

- designates the bylaw contraventions that may be dealt with by Bylaw Notice;
- establishes the amount of the penalty for contravention of the specified local government bylaws;
- establishes the period for paying or disputing a Bylaw Notice;
- establishes the role of screening officer and their duties and authorities, including the ability to enter into compliance agreements; and
- designates bylaw enforcement officers.

While the Act permits two or more local governments to enter into arrangements for the joint provision of a bylaw dispute adjudication system, each participating local government must individually adopt an authorizing bylaw, as outlined above.

Local governments undertaking a bylaw dispute adjudication system will need to ensure that the Bylaw Notices (tickets) issued include all required information, as set out in section 4(4) of Act. A Bylaw Notice must contain the following information:

- the particulars of the alleged contravention of the bylaw in sufficient detail that the alleged will be able to identify the bylaw and the contravention alleged;
- the amount of the penalty, the amount of a discount for early payment of the penalty, the amount of a surcharge for late payment and the consequences for failing to respond to the Bylaw Notice;
- acceptable methods of paying the penalty;
- how to dispute the allegation of the notice; and
- any other information required under the regulations.

Although the Act requires that the above information be included on a Bylaw Notice, local governments may organize or supplement this information as they see fit.

3.2. Bylaws and Bylaw Notices

Delivery of Notices

Under section 7 of the Act, a Bylaw Notice may be delivered in person, left at the site of the contravention (e.g. placed on windshield of car or left with a person at a construction site) or mailed.

The recipient of a Bylaw Notice has a limited time period in which to pay the penalty or indicate that he or she wishes to dispute the allegation. In the case of all three North Shore municipalities, this period was set at 14 days. If the Bylaw Notice recipient disputes the allegation, he or she must first discuss the allegation and basis for the dispute with a screening officer before proceeding to a hearing before an adjudicator.

If the Bylaw Notice Recipient Does Not Respond

If the recipient takes no action within the time period – neither paying the penalty nor disputing the allegation – the local government must notify the person that the penalty set out in the Bylaw Notice is now due and advise of how and where payment can be made. This may be done in a letter accompanied by a copy of the original Bylaw Notice.

In the case of the North Shore municipalities, the recipient of a Bylaw Notice has 14 days after receiving the original Bylaw Notice to pay the fine or dispute the allegation, after which the local government issues a letter outlining what has occurred and the consequences of late payment.

Once the period to dispute the allegation has ended, early discounts no longer apply and the full penalty is due. In addition, section 6 of the Act permits a local government to assess a surcharge on top of the penalty for the contravention, if payment is not made promptly.

If, within 21 days of receiving notification that penalty is immediately due, the person named in the Bylaw Notice informs the local government that he or she did not receive the original Bylaw Notice, then the local government must re-issue the original Bylaw Notice. In this case, the period to pay or dispute the allegation begins again, with opportunities to pay the discounted amount or dispute the allegation in the notice.

3.3. Bylaw Notice and Enforcement Letter – Samples

Front of Bylaw Notice is used for street and traffic offences

CITY OF NORTH VANCOUVER PROVINCE OF BRITISH COLUMBIA
BY-LAW NOTICE

THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF
THE CITY OF NORTH VANCOUVER STREET AND TRAFFIC BY-LAW 6254,
AS AMENDED, AS FOLLOWS. TICKET NO. **NV000001**
DATE _____

LOCATION _____ TIME _____
DECALYR/MO/ _____ LIC. NO. _____ COLOR _____
MAKE _____ TYPE _____ PROV. _____
NAME _____ D.O.B. _____
ADDRESS _____

GROUP 1801 OFFENCES DISCOUNTED PENALTY WITHIN 14 DAYS \$20.00
☐ OVER PARKED PARKING 501.15 ☐ JAYWALKING 11.03 ☐ EXPIRED METER 1304
☐ PARKED LONGER THAN 72 HOURS 505 ☐ NO VALID PARKING TICKET 1304
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1802 OFFENCES DISCOUNTED PENALTY WITHIN 14 DAYS \$25.00
 PARKED:
☐ FACING TRAFFIC FLOW/ MORE THAN 30cm FROM CURB 503 ☐ AGAINST YELLOW CURB 501.18 ☐ WITHIN 5m OF STOP SIGN 501.7
☐ WITHIN 5m OF FIRE HYDRANT 501.4 ☐ CONTRARY TO SIGN 501.14 ☐ ON CROSSWALK 501.5
☐ WITHIN 3m OF LANE 501.3 ☐ ON SIDEWALK/ BOULEVARD 501.1 ☐ OUTSIDE STALLS 508.3
☐ WITHIN 3m OF DRIVEWAY 501.2 ☐ IN LANE 501.8 ☐ IN BUS ZONE / STOP 509
☐ WITHIN 6m OF CROSSWALK/ INTERSECTION 501.8
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1803 OFFENCES DISCOUNTED PENALTY WITHIN 14 DAYS \$30.00
☐ FAILING TO DISPLAY VALID MUNICIPAL DECAL 830.2 ☐ STUDDED TIRES 902.1 ☐ TIRES NOT IN GOOD ORDER 902.2
☐ OVERLENGTH/WEIGHT RESIDENTIAL STREET (1000 TO 6000 HRS) 506
☐ OTHER OFFENCES IN THIS GROUP _____

GROUP 1804 OFFENCES DISCOUNTED PENALTY WITHIN 14 DAYS \$100.00
☐ VEHICLE WEIGHT, LOADS, DIMENSIONS 901 ☐ SECUREMENT OF VEHICLE LOADS 908

GROUP 1805 OFFENCES DISCOUNTED PENALTY WITHIN 14 DAYS \$75.00
☐ FAILING TO REMOVE SNOW/ICE FROM SIDEWALK 515 ☐ FAILING TO DISPLAY VALID LICENCE PLATE 820.1
☐ VEHICLE HORNS/ALARM 515 ☐ DISABLED ZONE 508.9
☐ OTHER OFFENCES IN THIS GROUP _____

ISSUING OFFICER _____
 YOU MAY REMIT PAYMENT OF THE INDICATED PENALTY EITHER IN PERSON - 141 W. 14TH ST., OR BY MAIL - 147 E. 14TH ST., NORTH VANCOUVER, V7L 2N4, OR BY PHONE 604.990.4225, OR ONLINE www.cnv.org/parkingticket WITHIN 14 DAYS OF THE ABOVE DATE. THE ATTACHMENT CONSTITUTES AN INTEGRAL PART OF THE TICKET AND SHOWS PENALTY, LATE PENALTY AND DISPUTE INSTRUCTIONS.

TICKET NO. **NV000001**

OFFICE NOTICE

FRONT of "flysheet" that accompanies the Bylaw Notice

INSTRUCTIONS
 DETACH THIS SHEET BEFORE MAKING PAYMENT
PENALTIES

PENALTIES LISTED BELOW MAY ONLY BE
 ACCEPTED IN THE MANNER NOTED:

	DISCOUNTED PENALTY WITHIN 14 DAYS	PENALTY AFTER 14 DAYS	LATE PENALTY AFTER 34 DAYS
GROUP 1801 OFFENCES	\$20.00	\$30.00	\$45.00
GROUP 1802 OFFENCES	\$25.00	\$35.00	\$50.00
GROUP 1803 OFFENCES	\$30.00	\$40.00	\$55.00
GROUP 1804 OFFENCES	\$100.00	\$150.00	\$200.00
GROUP 1805 OFFENCES	\$75.00	\$85.00	\$100.00

PAYMENT OPTIONS
 CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD
 IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
 BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
 BY PHONE - 604.990.4225
 ONLINE - www.cnv.org/parkingticket

MAILING INSTRUCTIONS
 BYLAW VIOLATION MUST ACCOMPANY CHEQUE.
DO NOT MAIL CASH. MAKE CHEQUE OR MONEY
 ORDER PAYABLE TO "CITY OF NORTH VANCOUVER".

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN
 THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE.
 A CHARGE WILL BE ADDED FOR DISHONCURED CHEQUES.
 DISHONCURED CHEQUES INVALIDATE ANY RECEIPT.
 UNPAID FINES MAY BE REFERRED TO OUR COLLECTION AGENT.

RECEIPTS MAILED ONLY ON REQUEST.

IF YOU WISH TO DISPUTE THE ALLEGED
 CONTRAVENTION PLEASE SEE REVERSE
 SIDE FOR INSTRUCTIONS.

3.3. Bylaw Notice and Enforcement Letter – Samples

BACK of “flysheet” that accompanies the Bylaw Notice

ENQUIRIES MAY BE DIRECTED TO THE BYLAW OFFICE, 147 EAST 14TH STREET BETWEEN 0830 AND 1830 HOURS, MONDAY TO FRIDAY, 604.904.7378. parking@cnv.org

ADJUDICATION REQUEST

IF YOU WISH TO DISPUTE, COMPLETE THE FOLLOWING FORM AND RETURN IT WITHIN 14 DAYS TO THE CITY OF NORTH VANCOUVER. A SCREENING OFFICER WILL TELEPHONE TO ASSIST YOU.

PLEASE PRINT

BYLAW NOTICE NO. _____

DATE OF ISSUE _____

LICENCE PLATE NO. _____

REGISTERED OWNER OF THE VEHICLE:

NAME _____

ADDRESS _____

CITY _____

POSTAL CODE _____

DAYTIME PHONE NUMBER _____

SIGNATURE

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.

PAYMENT OPTIONS:

IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
BY PHONE - 604.990.4225
ONLINE - www.cnv.org/parkingticket



The Corporation of **THE CITY OF NORTH VANCOUVER**

BYLAW ENFORCEMENT

March 9, 2004

Ms. Jane Doe
1231 Any Street
Burnaby, BC
V3N 1Y6

Dear Ms. Doe:

Re: Parking Violation Ticket FP88997788

On March 5, 2004 BC licence #ABC1234 was observed in violation of the City of North Vancouver Street and Traffic Bylaw #6234. As a result, the enclosed violation ticket number FP88997788 was issued.

Enquiries with the Insurance Corporation of BC indicate that you are the last registered owner of the vehicle.

Yours truly,

City of North Vancouver Parking Enforcement

/ck

Enclosure

147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org

4. OVERVIEW OF SCREENING OFFICER ROLE

The position of screening officer, described in section 10 of the Act, is optional – but is recommended based on the experience of the North Shore pilot. If a local government elects to implement this position, the screening officer must review each disputed allegation before it can be referred to an adjudicator.

To ensure consistency and assist with the screening process, local governments may wish to develop a screening officer policy in order to provide guidelines for screening officers during the Bylaw Notice screening process.

The screening officer, after reviewing a Bylaw Notice, may:

1. cancel the notice, if
 - a) the contravention did not occur as alleged; or
 - b) the bylaw notice does not meet the requirements set out in the Act, or
 - c) the grounds for cancellation authorized by the local government are satisfied;
2. confirm the bylaw notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn; or
3. enter into a compliance agreement with the person, if this is authorized in the bylaw.

Screening officers act as “gatekeepers” to the adjudication system by reviewing all disputed Bylaw Notices prior to going to adjudication. This review, between the screening officer and disputant, creates a number of efficiencies for the system.

The screening process results in a number of disputed Bylaw Notices avoiding adjudication, resulting in cost and time savings. In addition, the process is often educational as screening officers explain the bylaw in question, allowing citizens to better understand bylaws and, in some cases, realize the error(s) they committed. This causes some citizens to withdraw their notice to dispute following their discussion with a screening officer.

Statistics from the North Shore Evaluation Report demonstrate the effectiveness and efficiencies that result, in large part, from the screening process. In the District of West Vancouver, 20% of unsuccessful screenings claimed they would dispute the Bylaw Notice.

The North Shore municipalities chose to establish the minimum allowable 14-day period for payment or dispute of a Bylaw Notice, but only 2% or 3% actually proceeded to adjudication. Overall, the dispute rate was cut nearly in half once the pilot project initiated from 3.2% to 1.8%. Of all the disputes that proceeded to adjudication, 85% of Bylaw Notices were upheld.

Appendix A in this Toolkit contains copies of screening policies for the three North Shore municipalities.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Screening officers are required to provide disputants with as much information as they can, answer all questions openly, and take detailed notes of the conversation including date and time. The following are screening guidelines:

1. Identify your name and position as a Screening Officer with CNV.
2. State your authority to make a determination based upon authority granted by CNV.
3. Discuss the notice, listen carefully to the Disputant's information, and record this information.
4. Advise the Disputant that he/she may pay the fine before the early discount deadline and receive that discount. However, once the notice goes forward to Adjudication, the early discount is lost and an adjudication fee is added to the full penalty. At the Adjudication, if the notice is quashed, no fees or penalties need to be paid.
5. Determine how the Disputant wishes to proceed with the hearing (in person, by phone, or in writing).
6. Provide the address of the Adjudication Hearing room (141 W. 14th Avenue, North Vancouver) and advise of any necessary contact information such as fax number, email address and mailing address if the Disputant needs these to send documents.
7. Advise the Disputant that if the Adjudicator upholds the notice, it is due and payable immediately. Also, advise the Disputant that the fine increase 21 days after adjudication and then proceeds to collection.
8. Explain that once a date and time are set for adjudication, the additional adjudication fee must be paid even if the Disputant decides not to go ahead with the Adjudication.
9. Verify you have the correct address and daytime phone number of the Disputant.
10. Explain that the Dispute Coordinator will call to set up a hearing date and time along with instructions about phone, fax, or written submission to the Hearing. The Dispute Coordinator will also send written confirmation of the hearing. State clearly that the Disputant cannot discuss the notice with the Dispute Coordinator.
11. Ask if the Disputant has any more questions or needs any more information.
12. Ask if the Disputant wishes to say anything else at all and note the response.
13. Make a decision to cancel or uphold the notice; explain this to Disputant and make notes.
14. If cancelling, do so immediately; if upholding, continue to the Dispute Coordinator.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Following the conversation with the Disputant:

1. Notify the Dispute Coordinator to request Adjudication Hearing.
2. In the file, note the date and time the Dispute Coordinator was notified.
3. Prepare reports needed for Adjudication

4.2. Screening Officer Submission for Adjudication – Sample

The adjudicator is provided with a record of the screening officer's review of the disputed allegation. This may include evidence collected that supports the allegation.

A sample of the written submission use by the City of North Vancouver.



The Corporation of **THE CITY OF NORTH VANCOUVER**
BYLAW ENFORCEMENT

SCREENING OFFICER
SUBMISSION FOR ADJUDICATION

TICKET INFORMATION:

Ticket Number:	Violation:
Date of Issue:	Time of Issue:
Location:	Officer:
Section:	Fine Amount:

SCREENING OFFICER EVIDENCE:

Screening Officer Signature

PAYMENT INFORMATION:

Total fine due and payable immediately if ticket upheld:

Violation Amount:	\$
Adjudication fee:	\$
Total owing:	\$

147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org

5. OVERVIEW OF ADJUDICATION PROCESS

Upon receipt of confirmation that the recipient of a Bylaw Notice wishes to proceed to adjudication on the disputed allegation, the local government typically selects a date and time for the hearing in consultation with the person.

Disputants have the right to be heard, and this right may be exercised in one of the following manners:

- in person, or by an agent;
- in writing; or
- by video conference, audio conference, telephone or other electronic means, if available.

The local government then contacts the organization responsible for managing the pool of adjudicators with the date, time, nature of the Bylaw Notice and the name of the recipient.

The adjudicator is selected on a rotational basis, although the rotation may be varied if the next adjudicator on the list is unavailable on the chosen day, or is unable to hear the matter due to a personal connection to the recipient of the Bylaw Notice.

All dispute adjudications are open to the public and each dispute typically requires twenty minutes or less. The adjudicator's decision is made on a balance of probabilities, as in civil claim proceedings, and may be based on any evidence that the adjudicator considers relevant and credible.

The adjudicator may accept evidence in writing, orally (in person or by telephone) or other electronic means from the disputant, the enforcement officer or any other witness to the alleged bylaw contravention.

The decision before the adjudicator is **strictly** whether a violation of a local government bylaw occurred, or did not occur. The process is not designed, nor intended, to deal with challenges to the fairness of the bylaw, validity or other legal questions. Adjudicators may only confirm the Bylaw Notice or cancel it outright. Fine reduction is not an option under the legislation.

The legislation does not permit the local government or the disputant, as the parties to the dispute, to appeal the decision of the adjudicator. Either party may, however, seek relief in the Supreme Court under the *Judicial Review Procedures* if they believe that the adjudicator exceeded his or her authority, or made an error at law.

5.1. Adjudicator

Under section 15 of the Local Government Bylaw Notice Enforcement Act, it is the responsibility of the Deputy Attorney General to appoint adjudicators to determine the disputes.

Adjudicators must meet the prescribed qualifications (see Bylaw Notice Enforcement Regulation) and must not be an employee of, or hold an elected office in, a local government. These criteria provide the basis for an objective adjudication system separate from the local government.

One or more rosters of adjudicators must be established for the purpose of selecting adjudicators to hear disputes in respect of Bylaw Notices. Rosters may be established for the province generally, or for one or more local governments.

Qualifications, responsibilities and requirements for rosters, remuneration and expenses are set out by regulation. The selection process for adjudicators, as well as instructions to adjudicators when hearing disputes, is also prescribed by regulation in order to maintain consistency, neutrality and fairness. Adjudicators are appointed following a transparent procurement process.

Qualification and coordination of adjudicators is handled by the Court Services Branch of the Ministry of Attorney General.

5.2. Notice of Adjudication – Sample

Once the screening officer has confirmed that the recipient of a Bylaw Notice wishes to proceed to adjudication, the local government must schedule an adjudication hearing and ensure that all parties are notified.

In the case of the North Short pilot, because the registry serves three local governments, the process for giving notice to the local government that issued the Bylaw Notice is slightly more formal.

On the right is a sample of the Notice of Adjudication issued by the North Shore Bylaw Dispute Registry.

NORTH SHORE BYLAW ADJUDICATOR		NOTICE OF ADJUDICATION <small>Form 801 2004</small>	
141 14 TH ST. WEST NORTH VANCOUVER, BC V7M 1H9		Phone #: 604 904 7378 Fax #: 604 983 7448	
TO: TESTER, COREY, A 3 ANY STREET ANYTOWN, BC POS COD		OFFENCE NO: FP1111111 OFFENCE DATE: 22 May 2002 OFFICER 111 ENFORCEMENT AGENCY: City Of North Vancouver BC LICENCE TEST03	
As the registered owner of this BC Licence plate you have been Charged with the following offence:			
On the: 22 day of MAY, 2002 at: 11:11 AM at or near: 3 BROWN STREET			
the driver did stop stand or park the vehicle Within 1m Of Driveway contrary to City of North Vancouver Bylaw #6234 Section 501.33			
Set Fine \$50	Adjudication Fee \$25	Total : \$75.00	
Take notice that on the: 05 day of JULY, 2002 at 09:00 AM your adjudication will be held at:			
ADJUDICATION ROOM 141 14 th St. West North Vancouver, BC V7M 1H9			
This will confirm that you have requested dispute adjudication in respect to the Bylaw Notice #FP1111111 Your adjudication will be held on the date and time and location noted above. You are required to attend at that time. If you do not appear, the adjudicator may order that the penalty in the bylaw notice and the adjudication fee are immediately due and payable, by you, to the City of North Vancouver.			
Issued at North Vancouver, British Columbia this 27 day of JUNE, 2002			
For General Inquiries about the Violation Notice, please contact 604 904 7378 City of North Vancouver Bylaw Office 147 14 TH ST. EAST, North Vancouver, BC V7L 2N4			
Office Use Only			
I certify that a copy of this Notice was:			
<input type="checkbox"/> Sent by mail to registered owner	<input type="checkbox"/>	<input type="checkbox"/> Given to adjudicator or Agent	<input type="checkbox"/>
<input type="checkbox"/> Given personally to registered owner	<input type="checkbox"/>	<input type="checkbox"/> Sent by mail to adjudicator	
Adjudication Coordinator _____		Date _____	
I certify that I have given notice to the (Agency – City of North Vancouver) of the registered owner's intention to challenge the officer's evidence.			
Adjudication Coordinator _____		Date _____	

5.3. Adjudicator File Notes – Sample

LOCAL GOVERNMENT BYLAW DISPUTE ADJUDICATION SYSTEM

Adjudicator's File Note

Re: Corporation of the City of North Vancouver
Notice # NV1234567 (not actual file #)

Notice Issued May 31, 2004
Alleged Infraction of Bylaw 6234, Section 820.1

The evidence of the Bylaw Enforcement Officer was that a valid decal was not displayed. The disputant said that he could not recall if the decal was on the plate. He noted that there was valid insurance on the vehicle. I advised him that the issue was not whether there was valid insurance, but whether the decal was displayed.

I upheld the Notice as I found it more likely than not based on the evidence before me that the current year decal was not displayed. Disputant did not think that the City of North Vancouver should be concerned about decals. Explained to Disputant the wording of the bylaw and that if he believed the bylaw was improperly enacted he would have to pursue the issue through the Supreme Court of B.C.

Signed by Adjudicator.

5.4. Notice of Adjudication Outcome – Sample

September 9, 2004

Mr. John Doe
22-1104 Any Street
Vancouver, BC
V6E 1C9

Re: Bylaw Notice NV1234567

The Bylaw Adjudicator has notified the City of North Vancouver that at a hearing on September 9, 2004 the above noted bylaw notice was upheld. The total penalty and fee now outstanding on this notice is \$60.00.

On September 30, 2004 a further surcharge of \$15.00 will be added if this amount remains unpaid.

You may remit payment to the City of North Vancouver

IN PERSON 141 West 14th Street, North Vancouver, BC
By Mail 147 East 14th Street, North Vancouver, BC V7L 2N4
By Phone 604.990.4225
Internet <http://www.cnv.org/parkingticket>

All unpaid penalties and fees may be referred to our collection agent. Inquiries may be made to the City of North Vancouver Bylaw office by telephone at 604.904.7378 or by email at parking@cnv.org.

Yours truly,

City of North Vancouver

/ck

6. OVERVIEW – BUDGET AND COST INFORMATION

The actual cost of a local government bylaw dispute adjudication system will vary depending on the volume of bylaw infraction activity, screening and registry operations policies, the cost-recovery fees imposed on confirmed Bylaw Notices, and opportunities to achieve efficiencies through inter-local partnerships.

Information technology costs may also vary widely, depending on whether a manual or electronic system is used, and may affect the start-up and ongoing operations differently.

In the case of the North Shore communities, the Districts of West and North Vancouver and the City of North Vancouver entered into an Inter-Municipal Agreement to create a single administrative structure for handling cases referred for adjudication by the screening officers in the separate municipalities.

This agreement set out the cost-sharing arrangement for each of the municipalities, based on the use of services of adjudicators.

In addition to the one time capital (computer software) start-up costs of setting up a bylaw dispute adjudication system, it is estimated that annual administration costs for the North Shore municipalities will be under \$20,000. These costs will be shared equally.

It should be noted however, that costs may vary for other local governments.

6.1. Pilot Costing Model – Adjudicator Services: North Shore

ADJUDICATOR COSTS	DAILY COSTS	PER DISPUTE ¹
Attended - Full Day	\$350.00	\$19.44
Attended - Half Day	\$175.00	\$19.44
Telephone Dispute		\$16.66
Written Dispute		\$12.50
ADMINISTRATIVE COSTS	DAILY COSTS	
Attended - Full	\$262.50	\$14.58
Attended - Half	\$131.25	\$14.58
Telephone Disputes		\$12.50
Written Disputes		\$12.50
TRAINING & START UP COSTS	DAILY COSTS	PER DISPUTE ²
Training (per student, 5 students)	\$1,750.00	\$5.83
Start Up-Systems	\$1,000.00	\$3.33
Start Up –Other	\$500.00	\$1.67
SUMMARY OF TOTAL COSTS PER DISPUTE		PER DISPUTE
Full Day		\$44.86
Half Day		\$44.86
Telephone Dispute		\$39.99
Written Dispute		\$35.83

Source: Court Services Branch, Ministry of Attorney General

¹ Based on an average of 20 minutes scheduled per dispute.

² Based on 300 disputes.

6.2. Summary of North Shore Pilot Project Bylaw Registry Costs

Estimated Ongoing Costs for a Bylaw Notice Enforcement System

(Based on 30,000 Bylaw Notices issued annually)

ITEM	COST	NOTES
Pre-Hearing: Ticket Screening	\$13,770	Dispute rate 1.8%; 45 minutes per screening; Average hourly cost \$34 (salary and benefits)
Pre-Hearing: Dispute Scheduling	\$680	20 minutes per adjudication scheduled; Average hourly cost \$34 (salary and benefits)
Adjudicator	\$1,498	\$374.50 per hearing day; 4 hearing days per year
Administrative Costs	\$1,165	\$291.31 per hearing day; City of North Vancouver not certain if costs will continue
Administrative Costs (Hearing days only)	\$400	\$100 per hearing day for record keeping and cheque issuance
Security Officer	\$256	\$16 per hour for 4 hours each hearing day (4 per year)
Council Chamber Cost	\$1,600	\$400 per hearing day
Annual Estimated Administration Costs	\$19,369	

Source: Evaluation Report – North Shore Bylaw Notice Adjudication Registry

7. INFORMATION TECHNOLOGY OVERVIEW

Local governments should plan conservatively when anticipating the length of time needed to develop the information technology that may be required to implement a bylaw dispute adjudication system. This may be particularly true if the local government uses an outside software provider.

The local government should take into account that it will likely be necessary to upgrade the ticket processing system business rules, database, screens and reports. Hardware upgrades and operating systems/database upgrades will also need to be reviewed. Ticket stock changes – both handheld and written – will need to be considered.

Local governments should consider whether it would be efficient or necessary to integrate any current ticketing system with the new local government bylaw dispute adjudication system. Alternatively, run two systems concurrently until all tickets are dealt with under the old system. Costs of integrating the two systems will likely be a deciding factor in how the local government proceeds.

If a new system or an upgrade is considered, the following information from the authorizing bylaw will need to be known in order to configure the IT systems.

Specifically:

- the time period to pay or dispute the Bylaw Notice;
- whether screening officers will be used;
- whether early-payment discounts, late-payment surcharges and/or dispute fees will apply; and
- who may issue a Bylaw Notice and how

The North Shore participants in the pilot project worked with different companies to provide bylaw enforcement software. The Districts of North Vancouver and West Vancouver contracted with Tempest Development Corporation. The City of North Vancouver's software is provided by ETEC, marketed by Parksmart. Both companies developed software to accommodate the requirements of the bylaw dispute adjudication system.

Any local government considering implementing a bylaw dispute adjudication system should ensure that a prospective budget is prepared for software upgrade requirements. Depending if the software system is in-house or contracted, the financial impact may be significant.

7.1. Information Technology Impacts – Case Study: City of North Vancouver

As a result of the decision to implement a bylaw dispute adjudication system in partnership with the other North Shore municipalities, the City needed to review the impact on its existing IT systems and business processes.

After a review, three options were identified:

1. accommodate changes within the existing system;
2. upgrade IT systems and businesses processes; or
3. search for another solution.

The City chose the second option and implemented changes to its IT system and business processes. The City opted to use a packaged solution for the issuance and management of parking tickets. This software system was developed by Enforcement Technology (ETEC) of California and is distributed in Canada by Parksmart.

Implementation of the new software necessitated a number of business rule changes:

Changes to the ticket process

Tickets have a fixed fine amount and customers get a discount for early payment; late payment penalties still apply. This required changes to the ticket capture and printing process. The City retained the same fee structure, including a first and second late fee.

The ticket printout indicates the price including the 'first late' fee, but also an early payment price that excludes the 'first late' fee. The ticket record gets stored with the discounted price, allowing the use of the first and second late fee processes as before. This minimized the amount of change to the fee logic.

Court venue replaced by adjudication hearing

The arena to handle ticket disputes moved from a court to an adjudication process. A screening officer role was created to screen all disputed tickets prior to adjudication hearings.

This required the system to record screening officer notes and the outcome of the screening officer review. If the disputant wished to pursue adjudication, they could request a dispute hearing. To operationalize this component, the City purchased the "court module" that was available with the software package.

The City hosts adjudication sessions on behalf of the three North Shore jurisdictions, adding the task of co-ordination and the requirement of the "court module".

7.1. Information Technology Impacts – Case Study: City of North Vancouver

Miscellaneous Changes

Other necessary but minor changes were also needed, including:

- changes to reports to handle the new logic flows;
- changes to the selection process for sending tickets to collections to handle the new business rules (i.e. not sending tickets that are pending adjudication to collections);
- changes to business rules regarding "resetting" the ticket start date when a customer claims they did not receive the original ticket.

The City of North Vancouver found that one advantage of implementing new software is that it allowed for old tickets to proceed through the old system.

This transition period avoids the process of converting older tickets into the new system, minimizing additional changes to the new software. Conversely, it does require ticket administration in two different systems during the transition period. These "pros" and "cons" need to be weighed and assessed by each individual municipality.

8. COMMUNICATIONS PLAN AND MATERIALS

8.1. Communications Plan – Sample

Bylaw Notice Dispute Adjudication System

Targeted Communications Plan for
North Vancouver District, North Vancouver City
and District of West Vancouver

Revised: February 29, 2004

Communications Goal

To bring awareness to the newly formed Bylaw Dispute Adjudication System (BDAS).

Introduction

On May 3, 2004, the North Shore municipalities will introduce a new Bylaw Dispute Adjudication System. The BDAS will allow local municipalities to deal with bylaw disputes (i.e. parking tickets) at the local level, rather than through the Provincial Court system.

In addition to communications already initiated by the Provincial Government, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will carry out a targeted communications campaign, aimed at North Shore residents, as well as other Lower Mainland citizens who may be affected by the BDAS.

Targeted Audience

Residents of the three North Shore Municipalities, as well as other Lower Mainland citizens who may be affected by the BDAS.

Communications Strategies

1. Media Release with Backgrounder/Fact Sheet:

A tri-municipal media release and backgrounder/fact sheet will be prepared and distributed to all Lower Mainland media (newspaper, television, radio).

Target date for distribution: April 6, 2004.

2. Web Sites:

The media release/backgrounder will also be prominently posted on the three municipal web sites.

Target date for posting: April 6, 2004.

3. Advertising Notices:

All three municipalities have regular advertising space booked in the two local newspapers. We will utilize this space to communicate the new system throughout the months of April and May. In order to reach the widest possible audience, the notices will be consistent and will carry the three municipal identifiers and contact information.

Advertising schedule is as follows:

- **District of North Vancouver**

District Dialogue News Page – Outlook Newspaper.

- Notices to run: **April 15***, 29
May 13

- **City of North Vancouver**

City Views News Page – North Shore News

- Notices to run: **April 25***
May 2

- **District of West Vancouver**

Tidings News Page – North Shore News

- Notices to run: **April 18***
May 30

Note (*): The notices running on April 15, 18 and 25 will introduce the new BDAS, and will be more comprehensive than the follow-up notices.

4. On-Hold Recordings

The District of North Vancouver has an On-hold Messaging System, where callers to the District hear recorded messages while on hold. This system will be utilized throughout April and May (and continued on a periodic basis) to communicate the new Bylaw Dispute Adjudication System.

Conclusion

The commitment of this Communications Plan is to support the DBAS through effective and efficient communications to ensure that the widest possible audience is reached.

8.2. Information Sheet – Sample



District of North Vancouver * City of North Vancouver * District of West Vancouver

infosheet

April 16, 2004

North Shore's new Bylaw Enforcement System

Effective May 3, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will become the first in B.C. to implement a new *Bylaw Enforcement System*. The new system will allow these municipalities to deal with bylaw disputes, such as parking tickets, at the local level rather than through the Provincial Court system.

Previously, anyone wishing to dispute a parking ticket had to appear in a B.C. Provincial Court, an expensive and time-consuming process for the disputant, the Province and Municipalities. In 2003, 43,000 tickets were issued across the North Shore, approximately 1,000 of which were disputed.

Under the new system, a provincially appointed adjudicator, centrally located at North Vancouver City Hall (141 W. 14th Street), will hear all disputes. The system will work as follows:

- If the ticket is paid within 14 days, a discount will apply. After a fixed number of days, a surcharge is added (Note: fine, discount and surcharge amounts vary in each North Shore municipality).
- Those electing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued (by phone, fax, e-mail or in person) within 14 days of issuance.
- The disputant will be contacted by a Screening Officer who will review the case and, if appropriate, cancel the ticket. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
- If proceeding to adjudication, the disputant will apply in writing for an adjudicator to hear the case. A date will be scheduled, and the

adjudication will be conducted at North Vancouver City Hall. It should be noted that the disputant would not be required to personally appear at the adjudication. Representation may alternatively be made in writing, or over the phone. If the ticket is upheld, the full ticket charge, surcharge and a \$25 adjudication fee (to offset the cost of the process) may be applicable and payable.

If the Bylaw Enforcement System is successful, it will be implemented in other B.C. municipalities and may soon encompass other bylaw contraventions.

For more information on the new Bylaw Enforcement System, contact:

- City of North Vancouver: Bruce Hawkshaw – 604-990-4234
- District of North Vancouver: Dennis Back – 604-990-2205
- District of West Vancouver: Rick Beauchamp – 604-925-7003

Attachment: Bylaw Enforcement System Backgrounder.

8.2. Information Sheet – Sample (continued)

Bylaw Enforcement System Backgrounder

The City of North Vancouver, District of North Vancouver and District of West Vancouver are introducing a new Bylaw Enforcement System, which will allow the three municipalities to deal with bylaw disputes such as parking tickets at the local level, rather than through the Provincial Court system.

When:

Effective May 3, 2004.

What:

B.C. drivers on the North Shore will have the opportunity to dispute their parking violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded by municipalities.

Why:

The system is set out in the Provincial Government's new Local Government Bylaw Notice Enforcement Act. It is intended to resolve disputes in a simple, cost-effective manner. The new Bylaw Enforcement System will improve efficiency in the areas of paying and collecting fines as well as deliver a streamlined process to the public. The system will also see efficiencies by:

- Reducing the costly, time-consuming process associated with disputing parking tickets through the court system;
- Reducing the high cost of locating and serving defendants;
- Reducing the need for witnesses to attend minor disputes;
- Reducing the costs associated with using a Provincial Court judge to hear a parking ticket dispute in court;
- Reducing the need to employ lawyers or enforcement officers to take minor cases to court;
- Reducing the time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

How the new system works:

- The new system is intended to streamline the court procedures associated with hearing bylaw ticket disputes and assigning the appropriate fine. Adjudicators will determine whether a bylaw infraction did or did not occur. If a contravention has occurred, a full penalty will be applied as well as an adjudication fee of \$25 to offset the cost of the process. If no bylaw violation has occurred, no fine will be applied.
- Those wishing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued within 14 days of issuance. At that point, the adjudication is a three step process:

1. The individual disputing their ticket (disputant) will have the opportunity to speak with a Screening Officer. The Screening Officer will review the ticket and cancel it if appropriate. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
2. If going forward to adjudication, the disputant will advise the Screening Officer which method of service they prefer - mail, fax, phone, email or in person. At that time, the adjudication office will notify the disputant of what to do, what date and time. The municipalities will always present their case in writing to the adjudicator.
3. The disputant applies in writing for an adjudicator to hear the case. A date for adjudication will be provided, and will be conducted at North Vancouver City Hall. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

Benefits:

- Municipalities have more power over bylaw fine collection;
- Provincial Court time is minimized;
- Disputes will be resolved locally with a minimum of process, benefiting both the community and person disputing the parking infraction;
- Those who are challenging tickets no longer wait all day for court hearing;
- Those who are challenging tickets do not have to leave work or home in order to have a hearing.

Background:

In 2003, Bylaw Officers issued an estimated 43,000 tickets across the North Shore, approximately 1,000 of which were disputed, requiring Bylaw Officers to appear in court.

Formal court proceedings are very costly. A typical prosecution can cost as much as \$3,000 for a matter resulting in a \$50 fine. Minor bylaw cases also tend to be given the lowest priority, which results in prolonged delay, adjournments and added costs.

Summary:

By implementing a system comprised of dedicated arbitrators and mediators, the City of North Vancouver, District of North Vancouver and District of West Vancouver as well as the Province of British Columbia ensures that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and municipal time and resources to be used more efficiently and effectively. As well, those challenging tickets will receive enhanced, quicker service through a streamlined and efficient system.

8.3. Backgrounder – Sample

Backgrounder: Bylaw Enforcement System

The City of North Vancouver, District of North Vancouver and District of West Vancouver are introducing a new Bylaw Enforcement System, which will allow the three municipalities to deal with bylaw disputes such as parking tickets at the local level, rather than through the Provincial Court system.

WHEN:

Effective May 3, 2004.

WHAT:

B.C. drivers on the North Shore will have the opportunity to dispute their parking violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded by municipalities.

WHY:

The system is set out in the Provincial Government's new Local Government Bylaw Notice Enforcement Act. It is intended to resolve disputes in a simple, cost-effective manner. The new Bylaw Enforcement System will improve efficiency in the areas of paying and collecting fines as well as deliver a streamlined process to the public. The system will also see efficiencies by:

- Reducing the costly, time-consuming process associated with disputing parking tickets through the court system;
- Reducing the high cost of locating and serving defendants;
- Reducing the need for witnesses to attend minor disputes;
- Reducing the costs associated with using a Provincial Court judge to hear a parking ticket dispute in court;
- Reducing the need to employ lawyers or enforcement officers to take minor cases to court;
- Reducing the time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

How the new system works:

- The new system is intended to streamline the court procedures associated with hearing bylaw ticket disputes and assigning the appropriate fine. Adjudicators will determine whether a bylaw infraction did or did not occur. If a contravention has occurred, a full penalty will be applied as well as an adjudication fee of \$25 to offset the cost of the process. If no bylaw violation has occurred, no fine will be applied.

8.3. Backgrounder – Sample (continued)

- Those wishing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued within 14 days of issuance. At that point, the adjudication is a three step process:
 1. The individual disputing their ticket (disputant) will have the opportunity to speak with a Screening Officer. The Screening Officer will review the ticket and cancel it if appropriate. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
 2. If going forward to adjudication, the disputant will advise the Screening Officer which method of service they prefer - mail, fax, phone, email or in person. At that time, the adjudication office will notify the disputant of what to do, what date and time. The municipalities will always present their case in writing to the adjudicator.
 3. The disputant applies in writing for an adjudicator to hear the case. A date for adjudication will be provided, and will be conducted at North Vancouver City Hall. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

Benefits:

- Municipalities have more power over bylaw fine collection;
- Provincial Court time is minimized;
- Disputes will be resolved locally with a minimum of process, benefiting both the community and person disputing the parking infraction;
- Those who are challenging tickets no longer wait all day for court hearing;
- Those who are challenging tickets do not have to leave work or home in order to have a hearing.

Background:

In 2003, Bylaw Officers issued an estimated 43,000 tickets across the North Shore, approximately 1,000 of which were disputed, requiring Bylaw Officers to appear in court.

Formal court proceedings are very costly. A typical prosecution can cost as much as \$3,000 for a matter resulting in a \$50 fine. Minor bylaw cases also tend to be given the lowest priority, which results in prolonged delay, adjournments and added costs.

8.3. Backgrounder – Sample (continued)

Summary:

By implementing a system comprised of dedicated arbitrators and mediators, the City of North Vancouver, District of North Vancouver and District of West Vancouver as well as the Province of British Columbia ensures that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and municipal time and resources to be used more efficiently and effectively. As well, those challenging tickets will receive enhanced, quicker service through a streamlined and efficient system.

APPENDICES

A. Screening Policies

- District of West Vancouver
- District of North Vancouver
- City of North Vancouver

B. North Shore Bylaw Dispute Registry – Operations Policy

C. Project Stakeholders – Contact Information

APPENDIX A – DISTRICT OF WEST VANCOUVER – SCREENING POLICY

District of West Vancouver CORPORATE POLICY

Administration Division
Policy #02-10-211
CIS File: 0282-02-10-211
Page 1 of 3

Screening Officer Bylaw Notice Policy

1.0 Purpose

WHEREAS the District of West Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice;

AND WHEREAS the District of West Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

AND WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the District of West Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances;

NOW THEREFORE the District of West Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances set out in this policy.

2.0 Policy

2.1 The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven, for example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.

Document #: 161177

DISTRICT OF WEST VANCOUVER Corporate Policy

Policy #02-10-211 Screening Officer Bylaw Notice Policy Page 2 of 3

- (b) An exception specified in the Bylaw or a related enactment is made out;
 - (i) Handicap vehicle in time zone or pay lot.
- (c) There is a poor likelihood of success at adjudication for the District, for example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety, for example:
 - (i) The contravention was the result of a medical emergency.
- (e) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
- (f) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.

DISTRICT OF WEST VANCOUVER
Corporate Policy

Policy #02-10-211

Screening Officer Bylaw Notice Policy

Page 3 of 3

- (g) The person exercised due diligence in their efforts to comply with the Bylaw, for example:
- (i) As a result of mechanical problems the person could not comply with the Bylaw; or
 - (ii) The sign indicating the Bylaw requirement was not visible.

Approval Date Council April 5, 2004-04-13 Item 5.5	Approved by: David Stuart, Municipal Manager
Amendment Date:	Approved by:
Amendment Date:	Approved by:

APPENDIX A – DISTRICT OF NORTH VANCOUVER – SCREENING POLICY



The Corporation of the District of North Vancouver

CORPORATE POLICY MANUAL

Section:	Legislative & Regulatory Affairs	9
Sub-Section:	Bylaw Enforcement – General	4000
Title:	SCREENING OFFICER BYLAW NOTICE	2

POLICY

The District of North Vancouver authorizes the Screening Officer to cancel Bylaw Notices in the described circumstances.

The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
- (b) An exception specified in the Bylaw or a related enactment is made out;
- (c) There is a poor likelihood of success at adjudication for the District. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly; or
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.
- (e) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit; or
 - (ii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
- (f) The person exercised due diligence in their efforts to comply with the Bylaw. For example:
 - (i) As a result of mechanical problems the person could not comply with the Bylaw.

REASON FOR POLICY

Whereas

1. the District of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and
2. the District of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and
3. the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*.

the District of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances.

AUTHORITY TO ACT

Delegated to Staff.

Approval Date:	April 5, 2004	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	
3. Amendment Date:		Approved by:	

APPENDIX A – CITY OF NORTH VANCOUVER – SCREENING POLICY

SCREENING OFFICER BYLAW NOTICE POLICY

WHEREAS the City of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and

WHEREAS the City of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the City pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the City of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances,

NOW THEREFORE the City of North Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances.

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and the person is not willing to enter a compliance agreement or a compliance agreement is not available for the offence:
 - (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
 - (b) An exception specified in the Bylaw or a related enactment is made out;
 - (c) There is a poor likelihood of success at adjudication for the City. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.

2

- (e) The Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice does not live in the vicinity, or the vehicle is not registered in the vicinity, and the screening officer is satisfied the person is a tourist or visitor to the City and the person is not a repeat offender.
 - (iii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iv) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
 - (v) The offence occurred as a result of a mechanical problem and the person could not reasonably comply with the bylaw.

Encouragement to Purchase Skateboard Helmets - File: 3030-01

PURSUANT to the report of the City Clerk dated July 15, 2004, entitled "Encouragement to Purchase Skateboard Helmets":

THAT City of North Vancouver Screening Officers be authorized to cancel tickets issued under section 408.8 of the "Street and Traffic Bylaw, 1991, No. 6234, which is:

"No person shall propel, coast ride or in any other way use roller skates or a skateboard on any street, including the roadway, lane and sidewalk, public open space, plaza, other City properties or skateboard park unless that person is properly wearing a helmet on his or her head, except if that person is a person for whom the wearing of a helmet would interfere with an essential religious practice";

ON THE PROVISIO THAT a proof of purchase of a helmet is provided within 14 days of the issuance of the ticket.

CARRIED UNANIMOUSLY

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

Purpose

The North Shore Bylaw Dispute Adjudication Registry (hereafter called the *Adjudication Registry*) provides a transparent and impartial process whereby disputants may challenge a Bylaw Notice issued by CNV, the District of North Vancouver, or the Municipality of West Vancouver. The Adjudication Registry is managed by the CNV in accordance with City Bylaw No. 7600.

Parties Involved

The process of disputing a notice involves five parties:

1. The Bylaw Officer (the CNV employee authorized to issue the notice)
2. The Disputant (the party disputing the notice).
3. The Screening Officer (the CNV employee designated under Bylaw No. 7600 to act as the Screening Officer).
4. The Dispute Coordinator (the CNV employee who coordinates the activities of the Adjudication Registry).
5. The Adjudicator (the independent adjudicator with authority to determine if the notice is dismissed or upheld).

Dispute Process

When a notice is disputed, the Disputant enters into a two step adjudication process:

Adjudication Step 1: Screening Officer

The disputant contacts the Screening Officer; this communication may be by phone, in person, or in writing. The Screening Officer acts as follows:

1. Reviews the notice with the Disputant (see Appendix C: *Screening Checklist*) and undertakes the appropriate investigation including communication with the Bylaw Officer issuing the notice to determine the validity of the notice. Data is entered into the AutoPROCESS system. The Screening Officer has the authority to either uphold or dismiss the notice in accordance with the cancellation policy set by Mayor and Council (See Appendix D: *Screening Officer Bylaw Notice Policy*).
2. If the notice is dismissed, the Screening Officer cancels the notice and no further action is required by the Disputant.

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

3. If the Screening Officer upholds the notice, three options are available:
 - i. The Disputant may pay the discounted fine.
 - ii. The Disputant may go forward with adjudication.
 - iii. Where permitted, the Disputant may enter into a compliance agreement in accordance with CNV Bylaw No. 7600.

For all options, the Disputant is advised of applicable fines, fees, and surcharges.

4. If the Disputant chooses to go forward with adjudication, the Screening Officer prepares a file for the Dispute Coordinator that includes two copies of each of the following documents:
 - i. A report prepared by the Screening Officer based upon communication with the Disputant and quote the bylaw section.
 - ii. A report prepared by the Bylaw Officer issuing the notice including rationale for issuing the notice.

Adjudication Step 2: Dispute Adjudication

The Dispute Coordinator receives the file from a CNV Screening Officer or other Municipal Screening Officer participating in the Adjudication Registry. Adjudication cannot proceed until the notice has been screened by a Screening Officer; the Dispute Coordinator only receives files from a Screening Officer, not from the Disputant.

The Dispute Coordinator:

1. Confirms that the file is complete and requests additional information if necessary.
2. Liaises with the Adjudicator to set dates for the Adjudication Registry and then enters these dates into the calendar of the autoPROCESS ticket system.
3. Informs the Disputant of the available dates and agrees on the date and time.
4. Prepares a Notice of Adjudication to be sent to the Disputant and to the municipality concerned which confirms the date and time of the Adjudication Hearing along with the Disputant's preferred method of participation: in person, by phone, or through submission of documentation prior to the date of adjudication.

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

5. Coordinates with CNV departments, as necessary, to prepare for the Adjudication Registry. This includes preparing an agenda for the scheduled date of the Adjudication Registry. The agenda includes time, notice number, name of Disputant, method of participation by Disputant, and municipal authority issuing the notice.

The following CNV departments must be notified of the forthcoming adjudication dates:

- i. Finance-Cashier and Accounting (notices issued by other municipalities may be paid at the CNV only on the day of the Adjudication Registry).
- ii Building Services (to set up the room for the Adjudication Registry).
- iii Information Technology (to set up computers for the Adjudication Registry).
- iv. Security.
- v. Bylaw Supervisor.
- vi. The municipal authority issuing the notice, if other than the CNV.
- vii. Bylaw Manager.
- viii. Adjudication room (booking).
- ix. City Hall Receptionist
- x. City Clerk
- xi. Director Corporate Services

6. Maintains an updated file and has this file available, as requested, for the Adjudicator. This file, which must be obtained from the municipality involved, includes the following documents:
 - i. The report prepared by the Screening Officer.
 - ii The report prepared by the Bylaw Officer.
 - iii Any additional information detailing the rationale for not dismissing the notice.
 - iv A copy of the Notice of Adjudication.
 - v A copy of the Bylaw Notice.
 - vi A printed quote of the bylaw section under which the notice was issued.
7. Following the Adjudication Hearing, returns the file to the CNV or other Municipal Authority with outcome of the Hearing noted.
8. If a CNV notice is dismissed at the Adjudication Registry, no further action is required.
9. If a CNV notice is upheld at the Adjudication Registry, the CNV prepares a letter to the Disputant which states the bylaw notice number, confirms the adjudication decision, states the total fine and fees outstanding along with the date on which a surcharge will be applied along with the amount of the surcharge, provides alternative methods of payment, and states that the notice will be referred to a collection agent if

APPENDIX C – Bylaw Adjudication Dispute System

Project Stakeholders and Contact Information

(Last Updated: September 2005)

INDIVIDUAL	ORGANIZATION	CONTACT INFORMATION
Wayne Willows <i>A/ Director</i>	Court Services Branch, Ministry of Attorney General	(250) 356-1529 Wayne.Willows@gov.bc.ca
Kate Kimberley <i>Senior Policy and Planning Analyst</i>	Court Services Branch, Ministry of Attorney General	(250) 356-6680 Kate.Kimberley@gov.bc.ca
Marijke Edmondson <i>Manager, Local Government Liaison</i>	Local Government Advisory Services Branch, Ministry of Community Services	(250) 387-4032 Marijke.Edmondson@gov.bc.ca
Tom MacDonald <i>Executive Director</i>	Local Government Management Association (LGMA)	(250) 383-7032 tmacdonald@lgma.ca
Ken Vance <i>Senior Policy Analyst</i>	Union of British Columbia Municipalities (UBCM)	(604) 270-8226 kvance@civicnet.bc.ca
Rick Beauchamp <i>Director of Administrative Services</i>	District of West Vancouver	(604) 925-7003 rbeauchamp@westvancouver.ca
Dennis Back <i>Director of Corporate Services</i>	District of North Vancouver	(604) 990-2205 dennis_back@dnv.org
Barbara Hamilton <i>Supervisor, Bylaw Enforcement</i>	City of North Vancouver	(604) 904-7378 bhamilton@cnv.org

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: September 20, 2021

TO: Governance and Legislation Committee

FROM: Tracey Arthur, Director, Corporate Administration

SUBJECT: Council and Committee Procedure Bylaw, 2021 No. 2393

RECOMMENDATION

THAT the Governance and Legislation Committee recommend Council endorse the new proposed Council and Committee Procedure Bylaw, 2021 No. 2393 as circulated.

EXECUTIVE SUMMARY

In accordance with the *Community Charter* Section 124, a Council must, by bylaw, establish the general procedures to be followed by council and committees in conducting their business. The City's legal firm reviewed the Council and Committee Procedure Bylaw, 2021 No. 2393 and their comments are included within the Bylaw where amendments have been proposed.

PREVIOUS COUNCIL DIRECTION

Not applicable.

INTRODUCTION/BACKGROUND

Council and Committee Procedure Bylaw, 2021 No. 2393 (Appendix A) proposes a new bylaw where much of the foundation remains however in a number of sections there are amendments (some are minor housekeeping items and others have proposed significant changes). Many have been suggested following a bylaw review by the City's legal firm. Consolidated Council and Committee Procedure Bylaw, 2015, No. 2232 has been included as Appendix B as a reference to what currently is in place.

The following table gives an outline of the significant proposed amendments to the previous bylaw:

Item	Section	Description	Note
Section 5 Time and Location of Meetings	5(c)	Amended to clarify earlier start times are decided by the Mayor or Deputy Mayor in their absence.	Legal noted this clarification is required, this is not to be done by staff.

Section 17 Electronic Participation of Meetings by Council and Committee Members	17	Amended to officially include Advisory Bodies / Committees, clarify process and procedure.	Enhanced procedure for electronic participation to help ensure the best meeting quality. This will allow, moving forward, electronic participation from both Council and Advisory Bodies / Committee Members when unable to physically attend a meeting.
Section 18 Full Electronic Participation of Meetings by Council Members in Extenuating Circumstances	18 (2)	Defined extenuating circumstances and advance notice when it is anticipated that there will be full electronic participation.	Impacts of Bill 10, 2021 as interpreted by Legal.
Section 22 Question and Answer Period	23 (5)	Removal of asking for the speakers address, instead only city of residence.	Legal noted concern with the City asking for an address when it is not required. Recent complaints to the OIPC have brought into question the validity of collecting the residential address of a speaker as a routine requirement, with informed consent being the issue, especially when published along with minutes on the municipal website. Due to this comment the city will go back to asking only for city of residence for Public Hearing participation as well.

Section 24 Delegations / Petitions	8	<p>Removal of previous additional requirements regarding petitions, language now reflects only what is in the <i>Community Charter</i>.</p> <p>Due to Privacy Concerns the Petitions will now be placed only on the Council Bulletin along with any staff action.</p> <p>The topic can be still brought forward by Council requesting for the topic to be raised at an upcoming meeting for discussion.</p>	<p>This was a circumstance that has come up since previous adoption of the Procedure Bylaw. The city was asking for more than what was required by the <i>Community Charter</i>.</p> <p>Note if information is not provided as noted Council will still be forwarded the submission from the public with the notation by staff.</p> <p>Legal noted concern with publishing full names and addresses for privacy reasons unless there is evidence of informed consent – not a city document so this cannot be checked.</p>
Section 31 Bringing Back Adopted Motions	31	Clarification on the terms reconsider and rescind.	Legal noted the terms were not clear.
Section 31 Bringing Back Adopted Motions	31 (4)	A motion to reconsider will now have a timeframe of 30 days from the meeting where the vote to adopt was made.	Legal noted typically there is a time limit. This is consistent with the time limits for notice of a court application to set aside a bylaw or resolution for illegality.
Section 31 Bringing Back Adopted Motions	31 (4 b)	Amended now only a Member who voted with the majority can bring back the item. Removal of the option for a Member to bring back an item, regardless of how they voted the first time.	Legal noted the purpose for this is to permit a Member of the majority to reflect on their decision and change their mind, this gives trust that once something is adopted it will be followed through on.

Section 31 Bringing Back Adopted Motions	31 (5)	Defined “postponed” to the next regular Council meeting if held within 30 days.	Legal Reviewed suggested to remove postponed to avoid uncertainty or modify with a timing (next meeting within 30 days).
Section 31 Bringing Back Adopted Motions	31 (7)	Removed possibility to rescind a bylaw or resolution more than once.	Legal noted most bylaws disallow more than one reconsideration of a subject matter.
32 Bringing Back Defeated Motions	32 (2)	Clarification reconsider only regarding defeated bylaws. For this section there will no longer be reference to rescind.	Legal noted the terms were not clear and confusing.
32 Bringing Back Defeated Motions	32 (4)	A defeated motion will now have a timeframe of 30 days following the meeting where the vote was taken. Only a Member who voted with the majority to defeat can bring the item back (member not in attendance at the vote cannot bring back the vote).	Legal suggested a time limit, to help with certainty. Only a Member who voted with the majority can change their mind to impact a vote. Also noted allowing a Member who did not attend the meeting weigh in at a subsequent meeting is unusual and not recommended due to increased uncertainty.
32 Bringing Back Defeated Motions	32 (6)	Removed possibility to reconsider a bylaw more than once.	Legal noted most bylaws disallow more than one reconsideration of a subject matter, promoting certainty.

34 Notice of Motion	34 (3)	Added for clarification on practice taken by the city. That Council may consider a Notice of Motion received at the same meeting if there is an affirmative vote. Affirmative vote has been amended to 2/3 as opposed to majority given the purpose.	Incorporating practice into the bylaw with the exception that this would require a 2/3 vote. To ensure items brought up without previous notice have more than simple majority to consider due to there being no time to research.
38 Rules of Public Hearings/Meetings	38 (3)	Added that the city address of a speaker will no longer be requested, only city of residence.	Legal noted concern with publishing full names and addresses for privacy reason unless there is evidence of informed consent, given the venue this would not be feasible.
48 Duties of Select Committees / Advisory Bodies	48 (3)	Amendment to reflect Members of Council now to Chair / Vice Chair Advisory Bodies.	Required update with the newly adopted Advisory Body Terms of Reference(s).
Previous 51 Duties of Select Committees / Advisory Bodies		Removal of this section as no longer required, Members of Council now sit as Chair and Vice Chair.	Required update with the newly adopted Advisory Body Terms of Reference(s).
52 Council Liaisons to Advisory Body / Outside Organizations	52	Noting functions expected when attending meetings as a Council Liaison.	Previously included in Section 51 being,deleted, except for this portion added to Section 52.
52 Notice of Committee Meetings	52 (b)	Amendment to include the city website.	Noting actual process staff have been following.
55 Minutes of the Advisory Body / Committee Meetings	55	Action Based Minutes including Items Discussed,	Amendment to reflect Council's direction following consultant

		Resolutions that were Adopted, Action Items that were Directed and Recommendations Directed or Adopted by the Advisory Body.	review of City committees / Council ratified the recommendation March 2021.
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CONCLUSION

The proposed new Council and Committee Procedure Bylaw is presented for the Governance and Legislation Committee to review and consider. The current bylaw foundation is maintained by the proposed new bylaw noting that due to several housekeeping items along with some proposed significant changes prompted a new bylaw being brought forward for consideration rather than a further amending the current bylaw.

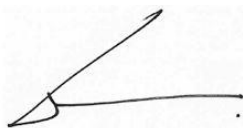
Respectfully submitted,



Tracey Arthur, Director of Corporate Administration

Comments from the Chief Administrative Officer

I concur with the recommendation of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Council and Committee Procedure Bylaw, 2021 No. 2393

Appendix B: Consolidated Council and Committee Procedure Bylaw, 2015, No. 2232

**THE CORPORATION OF THE
CITY OF WHITE ROCK**
BYLAW NO. 2393



A Bylaw to establish the rules of procedure for
Council and Committee Meetings.

The Council of the City of White Rock, in an open meeting, enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “*Council and Committee Procedure Bylaw, 2021 No. 2393*”.

Definitions

2. In this bylaw:
 - (a) ‘Advisory Body’ means any committee, sub-committee, task force, board, panel etc. that has been established by Council.
 - (b) ‘City’ means the City of White Rock.
 - (c) ‘Chief Administrative Officer’ is the staff person whose responsibilities are outlined under Chief Administrative Officer in the *Community Charter*, and as set out in the City’s Officer and Indemnification Bylaw.
 - (d) ‘Chairperson’ means the presiding member of a meeting.
 - (e) ‘Closed Meeting’ means a meeting that the public are not permitted to attend in accordance with the *Community Charter*.
 - (f) ‘Committee’ means a standing, select, task force, panel or advisory committee, but does not include Committee of the Whole.
 - (g) ‘Committee Clerk’ is the person who is responsible for establishing an agenda, with other City staff and the Chairperson, taking the minutes at a meeting of a Committee and advising in regard to meeting procedure.
 - (h) ‘Committee Member’ is a person who is appointed by the Mayor or City Council to a standing, select, advisory, task force. panel or other Committee.
 - (i) ‘Committee of the Whole’ (COTW) refers collectively to those members of Council present when Council moves to sit as a Committee.
 - (j) ‘Council’ is the Mayor and Councillors duly elected in the City of White Rock and who continue to hold office.

- (k) ‘Councillor’ is a Councillor duly elected in the City of White Rock and who continues to hold office.
- (l) ‘Council Liaison’ is a Councillor appointed to represent the City/Council on any Advisory Body or external group or organization (eg: select committee, regional committee, local organization, etc.)
- (m) ‘Delegation’ refers to an individual or group bringing information to Council at a meeting on a topic specified on a “Request to Appear as a Delegation” form.
- (n) ‘Deputy Mayor’ is the Councillor who, in accordance with Part 3 of this Bylaw, is responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (o) ‘Director of Corporate Administration’ is the staff person with the responsibilities of the Corporate Officer as outlined in the *Community Charter* and as set out in the City’s Officer and Indemnification Bylaw.
- (p) ‘Electronic or other communication facilities’ means a way for meeting participants to hear or watch and hear the meeting (electronically or via telephone) being conducted when not able to physically do so or for a scheduled meeting to be held by electronic means.
- (q) ‘Mayor’ is the Mayor duly elected in the City of White Rock and who continues to hold office.
- (r) ‘Member’ is a Member of Council including the Mayor or a person appointed to an Advisory Body or to a Committee, as defined in this bylaw, by Council and/or by the Mayor.
- (s) ‘Presentation’ refers to an individual or group that has been requested by the Mayor, Council or staff in order to inform or update Council on a subject relevant to City business, when possible the topic is already scheduled to be discussed on the agenda. The presenter’s name and, if applicable, title to the organization, and topic will be placed on the meeting agenda.
- (t) ‘Presiding Member’ is the person who is responsible for chairing the meeting.
- (u) ‘Public Hearing’ means a hearing that is required according to the *Local Government Act*, for the purposes of this bylaw where public hearing is noted will also include public meetings.
- (v) ‘Public Notice Posting Place’ is the notice board placed outside the main front door at the City Hall.
- (w) ‘Quorum’ means a majority of all of its Council or Committee voting members that must be present in order to conduct official business (any matters requiring a vote, including adoption of the agenda, minutes, etc.).
- (x) “Standing Committee” means an Advisory Body established by the Mayor for matters the Mayor considers would be better dealt with by committee. The Mayor makes the appointments to these committees where in accordance with the *Community Charter* at least half of their membership are members of Council.

- (y) “Select Committee” means an Advisory Body established and appointed by Council to consider or inquire into any matter and to report its findings and/or opinions through recommendations to the Council. At least one (1) member of a select committee must be a Member of Council.
- (z) “Task Force” means and Advisory Body established and appointed by Council to consider or inquire into a specific subject matter or action and to report its findings and/or opinions to the Council. At least one (1) member of a Task Force must be a Member of Council.
- (aa) ‘Working Group’ means a group formed by an Advisory Body for the limited purpose of:
 - a) Gathering, summarizing, or preparing a presentation of information including research and analysis to deliver to the originating Advisory Body.
 - b) Carrying out a specific prescribed activity (eg. Setting up a parade float).

Application of Rules of Procedure

- 3. (1) The provisions of this Bylaw apply to all meetings of Council, COTW and all Advisory Bodies / Committees.
- (2) In cases not provided for under this Bylaw, the latest edition of Robert’s Rules of Order will apply to the proceedings of Council, COTW, and Advisory Bodies / Committees to the extent that those rules are:
 - (a) applicable in the circumstances, and
 - (b) not inconsistent with the provision of this Bylaw the *Community Charter* or *Local Government Act*.

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

- 4. (1) Following a general local government election, the inaugural meeting (the first meeting of the newly elected Council) must be held on the first Monday in November in the year of the scheduled Local Government election.
- (2) If a quorum of members elected at the general local election has not taken office by the date of the meeting referred in subsection (1), the first Council meeting will be called by the Director of Corporate Administration and held as soon as reasonably possible after a quorum of members has taken office.

Time and Location of Meetings

5. (1) Council meetings will take place within City Hall, unless another location is deemed necessary by the Mayor or staff in the circumstance when it is anticipated more public to attend than City Hall can accommodate. The meeting location will be stated on the meeting agenda and the meeting notice (when applicable).
- (2) Regular Council meetings will:
- (a) be held on Mondays, in accordance with the schedule adopted by resolution by Council on or before December 31 of the preceding year;
 - (b) commence in accordance with the approved regular Council meeting schedule posted at the Public Notice Posting Place; generally, but not exclusively, at 7:00 p.m.; if there is a public hearing scheduled on the same evening as the regular meeting, the regular meeting will begin at the scheduled start time and then be reconvened following conclusion or adjournment of the public hearing;
 - (c) Earlier start times for a regular meeting or public hearing may be scheduled when circumstances warrant, as approved by the Mayor (including but not limited to: high volume of business, special presentation(s) or a large public hearing is anticipated); and
 - (d) be concluded or adjourned at 9:30 p.m. unless Council resolves to proceed beyond that time in accordance with Section 37 of this bylaw.
- (3) Council Meetings may:
- (a) be cancelled by resolution by Council, provided that two (2) consecutive meetings are not cancelled.
- (4) Special Council meetings may be called:
- (a) by the Mayor at their discretion; or
 - (b) by two (2) or more Council Members, in writing, requesting the Mayor to call a Special Council meeting;
 - (c) by two (2) or more Council Members if:
 - Within 24 hours after receiving a request under paragraph (b), and no arrangements are made under paragraph (a) for a special Council meeting to be held within the next seven (7) days, or
 - both the Mayor and the Acting Mayor are absent or otherwise unable to act.
- (5)(a) Closed Meetings of Council may be called so that Council may consider a subject matter that is identified in section 90 of the *Community Charter*.

- (b) Any items which, in the opinion of Council, do not comply with the Closed Meeting criteria specified in the *Community Charter* must be deleted from the agenda of the Closed Meeting and be referred to:
 - i. a future Regular Council Meeting as an additional item; or
 - ii. a committee; or to
 - iii. staff.
- (c) Information considered in any part of a Closed Meeting of Council must be kept in confidence until Council releases the information to the public or are disclosed in accordance with law. The consequences of a Member breaching the duty of confidentiality may include, but are not limited to: motions by Council to censure the Member, removal of the Member from the Deputy Mayor rotation, removal of the Member from committees, court proceedings to recover damages from the Member, and court proceedings to obtain a statutory injunction (including contempt of court proceedings in the event of a continuing contravention).

Notice of Council Meetings

- 6. (1) In accordance with the *Community Charter*, Council will annually:
 - (a) adopt on or before December 31 a schedule of dates, times and places of Regular Council meetings for the following year and make the schedule available to the public by posting it at the Public Notice Posting Place; and
 - (b) give notice when the schedule of Regular Council meetings will be available at least once a year in accordance with sections 94 and 127 of the *Community Charter*.
- 7. (1) Except where notice of a special meeting is waived by unanimous vote of all members, a notice of the date, time and place of a special Council meeting will be given at least 24 hours before the time of a meeting by:
 - (a) posting a copy of the notice on the Public Notice Posting Place;
 - (b) leaving a copy of the notice for each Member in the member's mailbox at City Hall; and
 - (c) e-mailing Council.
- (2) The notice under subsection (1) will describe in general terms the purpose of the meeting and be signed by the Mayor, by Members who called a special meeting pursuant to section 5 (4) (c), or by the Director of Corporate Administration.

PART 3 – DESIGNATION OF COUNCILLOR TO ACT IN PLACE OF THE MAYOR

Deputy (Acting) Mayor

8. (1) Annually Council will designate the order in which each Member will serve as Deputy Mayor on a rotating basis. During an election year this will be conducted at the inaugural Council meeting. Amendments to the schedule must be made by Council resolution.
- (2) If both the Mayor and the Councillor appointed under section (1) are absent from a Council meeting, the Councillor that appears next on the rotation that is present at the Council meeting will act as Deputy Mayor and Chairperson for that Council meeting.
- (3) When the Mayor is absent or otherwise unable to act, or when the office of the Mayor is vacant, the Deputy Mayor:
 - (a) has the same powers and duties as the Mayor in relation to the applicable matter;
 - (b) must fulfill the responsibilities of the Mayor at the Council Meeting; and
 - (c) may sit in the Mayor's chair for the duration of the Council meeting.

PART 4 – COUNCIL PROCEEDINGS

Attendance of Public at Meetings

9. (1) Except where any provisions of section 90 of the *Community Charter* are under consideration, all Council meetings are open to the public.
- (2) Before closing a Council meeting or part of a Council meeting to the public, Council must adopt a resolution in a public meeting in accordance with the *Community Charter* that states:
 - The fact that the meeting or part of the meeting is to be closed;
 - The basis under the applicable subsection of section 90 of the *Community Charter* on which the meeting or part is to be closed; and
 - The meeting purpose.

- (3) This section applies to all meetings of the bodies referred to in the *Community Charter* including without limitation :
 - (a) Committee of the Whole (COTW);
 - (b) Standing, Select, Sub Committees;
 - (c) Parcel Tax Review Panel;
 - (d) Board of Variance, etc.;
 - (e) Advisory Committees; and
 - (f) Task Forces
- (4) Despite subsection (1), the Presiding Member may expel or exclude a person from a Council meeting for conduct that, in the opinion of the Presiding Member, is disrespectful to others, contravenes this Bylaw or rules established under this Bylaw or other enactment, or that interferes with, disrupts or impedes the Presiding Member in preserving order during the meeting.

Minutes of the Meetings

- 10. (1) Minutes of the proceedings of Council must be legibly recorded and certified as correct by the Director of Corporate Administration or designate and signed by the Mayor or Chairperson of the meeting, or at the next meeting at which the minutes are adopted.
- (2) The Director of Corporate Administration or designate is responsible for taking the meeting minutes and shall record that a Member has moved the motion and a Member has seconded the motion but need not record the names of the Members that move and second the motion.
- (3) Subject to subsection (4), minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours and as technology permits available on the City website.
- (4) Subsection (3) does not apply to minutes of a Council meeting or that part of a Council meeting that is closed to the public.
- (5) The Director of Corporate Administration or designate is responsible for taking the meeting minutes and may make minor amendments to approved minutes including but not limited to typographical errors, sequential number errors, grammatical errors or completing missing information.

Council Seating Arrangements

11. (1) The Mayor shall designate each Councillor to a seat at the Council table at the beginning of the term.
- (2) As an exception to subsection (1), in the absence of the Mayor, the Member who is the Presiding Member of the meeting may sit in the Mayor's Chair.

Calling Meeting to Order

12. (1) As soon after the time specified to start a Council meeting, if there is quorum present, the Mayor must take the Chair as Chairperson and call the Council meeting to order.
- (2) If the Mayor is absent, then the Deputy Mayor must take the Chair as Chairperson and call the meeting to order.
- (4) If both the Mayor and Deputy Mayor are absent, the next on the rotation for Deputy Mayor that is in attendance must take the Chair as Chairperson and call the meeting to order.

Adjourning Meeting Where No Quorum

13. (1) If there is no quorum of Council present within 15 minutes of the scheduled start time for a Council meeting, the Director of Corporate Administration will:
 - (a) record the names of the Members present, and those absent; and
 - (b) adjourn the meeting until the next scheduled meeting stating date, time and location of the meeting.

Agenda

14. (1) Prior to each Council meeting, the Director of Corporate Administration will:
 - (a) in consultation with the Chief Administrative Officer and the Mayor, prepare an Agenda setting out all items for consideration at the meeting; and
 - (b) provide a copy of the Agenda by end of the day on the Wednesday prior to the meeting to each member of Council, through electronic means or in their mailbox at City Hall, or both, unless otherwise directed by the member of Council.
- (2) The deadline for items or submission to the Corporate Administration Department for inclusion on the agenda for Council, staff and the public is 8:30 a.m. on the Monday prior to the Council meeting. If a time-sensitive matter arises, the Director of Corporate Administration or the Chief Administrative Officer may, at their discretion, add agenda items following this deadline.

- (3) The Director of Corporate Administration will make the agenda available to the public after it has been sent to Council as follows:
 - a) A reading / reference copy will be available in the Administration office;
 - b) Photocopies of the agenda will be available upon request in accordance with the City's Fees and Charges Bylaw; and
 - c) On the City website, the Thursday prior to the Monday meeting subject to technical difficulties.

Order of Proceedings and Business

15. (1) The agenda order of proceedings and business for all regular Council meetings will be set in accordance with a separate council policy.

Late Items (On Table or Supplemental Agenda)

16. (1) An item of business not included on the Agenda must not be considered at a Council meeting unless Council resolves to permit the late item to be added to the agenda by vote of the majority of members present.
- (2) If the Council makes a resolution under subsection 16(1), information pertaining to the late item(s) must, when possible, be distributed to the Members by written copy or verbally.

If Council votes to permit the amendment to the agenda, the Chairperson or Director of Corporate Administration will advise if there is a written copy of the information to be supplied on table.

Electronic Participation of Meetings by Council Members and Committee Members

17. (1) Subject to this Section and Section 18, a Council or Committee Member who is unable to physically attend a meeting in person may, participate by means of electronic or other communication facilities if:
 - a) the facilities enable the meeting participants to hear or watch and hear the meeting participants; and
 - b) except for any part of the meeting that is closed to the public, the facilities enable the public to hear, or watch and hear, the meeting being conducted.
- (2) This section also permits for circumstance where a meeting is to be conducted only by means of electronic or other communication facilities.
- (3) Council, through Terms of Reference, may assign an Advisory Body / Committee to meet exclusively through electronic or other communication facilities.
- (4) A Council or Committee Member who intends to participate in a meeting by means of electronic or other communications facilities shall give the Director of

Corporate Administration, or staff within the Clerk's Office notice of this intention at least 24 hours prior to the meeting, or in the case of a special meeting for which notice has been waived, immediately following the vote to waive notice. Staff will, as soon as reasonably possible thereafter, provide the Council or Committee Member instructions on how to connect to and participate in the meeting by means of electronic or other communication facilities.

- (5) A Committee Member who participates in a meeting by means of electronic or other communication facilities must have their own equipment to participate where they can hear and or watch and hear the meeting being conducted.
- (6) A Council or Committee Member who participates in a meeting by means of electronic or other communication facilities shall be deemed to be present at the meeting and counted towards being in attendance (being part of the meeting quorum).
- (7) The Council or Committee Member who participates in a meeting under this Section or Section 18 will endeavor to:
 - a) verbally advise Council when they join the meeting and when they leave the meeting;
 - b) vote audibly so that their vote can be recorded in the minutes;
 - c) ensure they have a quiet area where there will be limited interruption and there is strong WIFI connection;
 - d) ensure clear sound through the feed and reduction of background noise by wearing earphones or ear buds that include a microphone;
 - e) ensure their camera remains on during the meeting in order to confirm there is meeting quorum, or if that is not possible, ensure they are voting verbally so the Chairperson is able to recognize the vote;
 - f) ensure their microphone is on mute when not speaking; and
 - g) subject to subsection (6), if intending to make or speak to a motion, declare a personal interest or conflict, or to other wise to speak at the meeting, raise their hand or use electronic program features to show their intention to speak, and to wait to be acknowledged by the Chairperson prior to speaking.
- (8) A Council or Committee Member participating in a meeting under this Section or Section 18 who want to raise a Point of Order may do so by speaking and then being acknowledged by the Chairperson in accordance with Section 25.

- (9) Should quorum be lost when there is electronic participation at a meeting the meeting will be concluded and remaining outstanding agenda items will be placed on the next scheduled Council or Committee agenda.
- (10) The Chairperson or other presiding Member may direct or cause a Member participating electronically to be muted if the Chairperson considers that is necessary to prevent disruption or ensure each person having a right to speak has a full opportunity to do so.

Full Electronic Participation of Meetings by Council Members in Extenuating Circumstance(s)

18. (1) Under extenuating circumstances (such as a state of emergency declared by the Federal or Provincial government or the City, or pursuant to a Provincial Health Order) full electronic meetings of Council and Committees may be held under the following conditions:
- (a) the Mayor, or if not available, the Deputy Mayor, has expressly approved the meeting to be held electronically;
 - (b) staff are able to secure the electronic equipment to facilitate the meeting; and
 - (c) at least one of either the Chief Administrative Officer or Corporate Officer or their Deputy will attend in person at the specified place;
 - (d) a Quorum required under section 129 of the *Community Charter* is able to attend in person or electronically; and
 - (e) the meeting is held in accordance with this Bylaw and any Federal or Provincial enactment or order pertaining to the meeting.
- (2) Public notice of a meeting held pursuant to this Section will be posted on the City's website and at the Public Notice Posting Place as soon as possible after the decision is made to hold the meeting electronically. The notice will describe the way in which the meeting is to be conducted and identify the place where the public may attend to hear, or watch and hear, the meeting. If practicable, in advance of a regular or special meeting of Council, the notice will be published in a newspaper that is distributed at least weekly in the City.
- (3) Subsections 17 (3) – (8) apply to meetings held under this Section.

Voting at Meetings

19. (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed, the Chairperson must put the matter to a vote of Members;
 - (b) after the Chairperson finally puts the question to a vote, a member must not speak to the question or make a motion concerning the question;
 - (c) the Chairperson's decision about whether a question has been finally put is conclusive;

- (d) whenever a vote of Council on a matter is taken, each member present will signify their vote by raising their hand; and
 - (e) the Chairperson must declare the result of the voting.
-
- (2) Every Council member present when a question is put forward will be expected to vote unless they make a declaration under the provisions of the *Community Charter*, regarding conflict of interest, in which case the provisions of that section apply and in such cases, they will not participate in the discussion or vote but must leave the Chambers until the vote is taken at which time they may resume their seat.
 - (3) Should any Member in attendance refrain from voting when any question is put, for any reason other than described in section 100 or 101 of the *Community Charter*, [*conflict of interest*] the Member will be deemed as having voted in the affirmative and the vote will be counted accordingly.
 - (4) A speaker may not speak against the motion they have made, but may choose to vote against it.
 - (5) All acts whatsoever authorized or required by the *Community Charter*, to be done by the Council, and all other questions, including questions of adjournment, that may come before the Council will, save where otherwise so expressed, be done and decided by the majority of the members of Council present at the meeting.
 - (6) In all other cases where the votes of the members then present, including the vote of the Chairperson, are equal for and against a question, the question will be defeated, and it will be the duty of the Chairperson to so declare.
 - (7) The name of any member who voted in the negative on a question will be recorded in the minutes of such meeting.
 - (8) When the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition will be taken separately.
 - (9) When a regular meeting is to be adjourned to go into a Public Hearing or Public Meeting (Development Variance Permit) it will be noted in the agenda and noted verbally by the Chairperson as follows:

Meeting Postponement (Adjournment) to Conduct Public Hearing During Regular Council Meeting

- 20. (1) The Regular Council meeting will be called to order and following consideration of the agenda, minutes and any special presentations the meeting will be postponed (adjourned) at this point in the agenda of the Regular Council meeting in order to continue or begin the public hearing.

The regular meeting will be reconvened directly following the adjournment or conclusion of the noted Public Hearing here at (location: City Hall Council Chambers) later this same evening.

Presentations on a Regular Agenda

21. (1) A presentation by the Mayor or a Councillor at a Council meeting shall only pertain to:
- (a) events attended as a representative of the City; or
 - (b) information on community events and activities.
- (2) Presentations by a Member to Council will be limited to a maximum of five (5) minutes.
- (3) Presentations by invited guests at a Council meeting will be limited to a maximum of ten (10) minutes.

Consent Agenda

22. (1) A Consent Agenda can be utilized to help streamline meetings with a large volume of items. Items listed under the Consent Agenda section are considered for approval in one (1) motion, unless a member wishes to debate an item and requests that it be excluded. If an item is excluded from the Consent Agenda, it will be considered as an agenda item. The rule of order establishing a Consent Agenda provides that Consent Agenda items may be considered in total without debate or amendment. Items will be listed in the Consent Agenda section and will include items received “for information” (no action), or in the opinion of the Mayor, Chief Administrative Officer and/or Director of Corporate Administration, require little or no discussion.
- (2) Items can be removed from the consent agenda at the request of a member of Council.

Question and Answer Period

23. (1) Question and Answer Period will be included near the start of the regular Council meeting (following Meeting Minutes approval or any special presentations to be made by Council). This will be an opportunity for the public to ask questions and make comments.
- (2) Questions will be addressed to the Chairperson. If there are questions for an individual member of Council, they will be addressed through the Chairperson for direction.

- (3) Question and Answer Period will be timed, not to exceed 15 minutes unless Council wishes to extend Question and Answer Period just prior to the conclusion of the regular Council meeting. Extension for a further 15 minutes at that time may be permitted by majority vote of Council. No further extensions will be permitted for that evening for Question and Answer Period.
- (4) Each speaker will be given two (2) minutes, the speaker will be given one (1) opportunity to ask a question or make comment(s) during this time. In the circumstance there is still time from the original 15 minutes remaining and there are no further speakers a second opportunity may be provided.
- (5) The speaker will begin by stating their name and city of residence to be recorded in the minutes along with a summary of the question / comment(s). When the Chairperson or staff do not have a response the question it will be noted and placed on the city's website along with a staff response under this topic as soon as the information is available.
- (6) An area on the website will be designated for a summary list of the questions, comment topics and answers provided during Question and Answer Period so this item can be easily searched by the public.
- (7) No questions or comments on the subject of a public hearing may be raised or considered after the public hearing has been concluded and prior to there being consideration of final reading.
- (8) Question and Answer Period will not be conducted during the months of September and October of a Local Government election year nor two (2) months prior to a City of White Rock By-Election.

Delegations / Petitions

24. (1) The Council may allow a Delegation to address the Council at a meeting on a topic provided a Delegation request form has been received by the Director of Corporate Administration by 8:30 a.m. on the Monday prior to the meeting. If the Monday prior falls on a holiday, the form must be received by 8:30 a.m. the Tuesday prior.
- (2) A maximum of up to (4) four delegations will be permitted at any Council meeting.
- (3) Each Delegation must be limited to a maximum of five (5) minutes; this time may only be extended by unanimous vote of all Members present.
- (4) The Mayor and Chief Administrative Officer or the Director of Corporate Administration must not permit a Delegation to address a meeting of the Council regarding:

- i. Any matter that has been the subject of a public hearing that is required under an enactment as a prerequisite to the adoption of a bylaw;
 - ii. Any matter that is undergoing a local area service process or counter petition process;
 - iii. Any matter which the City has commenced prosecution and on which judgment has not been rendered;
 - iv. The promotion of commercial products or services which have no connection to the business of the City;
 - v. Publicly tendered contracts or proposal calls for the provision of goods and services for the City, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded by Council or City staff; and further
 - vi. A subject that is beyond the jurisdiction of Council.
- (5) A delegate may only appear once per year in relation to a specific topic, such appearance is to be measured from the time of the last appearance on the matter. This includes the topic, any process, resolution or concerns regarding the topic or any review or assessment of the topic.
- (6) The Director of Corporate Administration determines the delegations scheduled for each agenda, and may schedule delegations to a later Council meeting than requested. The Director of Corporate Administration finalizes the scheduled delegations based on subject matter. Applications beyond the limit of four (4) may also be scheduled to an alternate date.
- (7) A Delegation intending to give a Power Point presentation must supply the Director of Corporate Administration with a copy of the presentation by 8:30 a.m. on the Monday (or Tuesday if the Monday is a statutory holiday) prior to the meeting. The presentation will be reviewed by staff, to ensure that it is professional and relevant to the Council proceedings. If the Director of Corporate Administration is of the opinion that the Presentation is unprofessional or irrelevant the noted slides/pages will be removed or the entire presentation will be rejected. Staff will contact the delegation to inform if this is to occur.
- (8) In accordance with the *Community Charter* every petition presented to Council by a Delegation, or otherwise, must include:
- (a) The full name and residential address of each petitioner.
 - (b) A petition to a Council is deemed to be presented to Council when it is filed with the Corporate Officer.

Due to privacy concerns the petition will be placed on the Council Bulletin along with any staff action.

Council may ask for the topic to be raised at an upcoming meeting for discussion.

Point of Order (Question to the Chair: Are the rules of the meeting being followed?)

25. (1) The Chairperson will preserve order and decide all points of order which may arise, but subject to an appeal to the other members of the Council present.
- (2) Without limiting the Chairperson's duty under the *Community Charter*, the Presiding Member must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rule of procedure in this Bylaw; and
 - (b) whether or not another Member has raised a point of order in connection with the motion.
- (3) When the Chairperson is required to decide a point of order:
- i) first immediately suspend the debate;
 - ii) ask "What is your Point of Order?";
 - iii) rule as to whether or not the point of order is valid; citing the applicable rule or authority, if required by another Member;
 - iv) another Member must not question or comment on the rule or authority cited by the Chairperson under subsection (2)(a);
 - v) the Chairperson may reserve the decision until the next Council meeting; and
 - vi) the Chairperson may direct the members to stand at ease (brief pause where members remain in their places until the Chairperson calls the meeting to order) while considering their decision.
- (4) If an appeal (disagreement with the ruling by the Chairperson) be taken by a member of the Council from the decision of the Presiding Member, the question will be immediately put, and decided without debate. "Will the Chair be sustained?" and the Chairperson will be governed by the vote of the majority of the other members of the Council then present, and the names of the members of the Council voting against the question "Will the Chairperson be sustained?" will be recorded on the minutes, and in the event of the votes being equal, the question will pass in the affirmative. The Chairperson will not be permitted to vote on an appeal of their decision hereunder.
- (5) If the Chairperson refuses to call the question "Will the Chairperson be sustained?" the Council will immediately appoint one of its members to preside temporarily, and the Chairperson temporarily appointed will proceed in accordance with (4) and in the event of the votes being equal, the question will pass in the affirmative.

Conduct and Debate

26. (1) A Member may speak to a question or motion at a Council meeting only if that member first addresses the Chairperson.
- (2) A Member must address the Chairperson by that person's title followed by their surname: Mayor, Councillor, Deputy Mayor or Chairperson.
- (3) A Member must address other non-Chairperson by the title of Councillor, Mayor or Committee Member followed by their surname.
- (4) No Member may interrupt a Member who is speaking except to raise a point of order.
- (5) If more than one Member speaks, the Chairperson must call the Member who, in the Chairperson's opinion, first spoke.
- (6) A Member who is called to order by the Chairperson:
- (a) must immediately stop speaking;
 - (b) may explain their position on the point of order; and
 - (c) may appeal to Council for its decision on the point of order in accordance with the *Community Charter*.
- (7) Members at a Council Meeting:
- (a) must use respectful language and avoid comment aimed disparagingly or hostilely at another Member;
 - (b) must not use offensive gestures or signs;
 - (c) must speak only in connection with the matter being debated;
 - (d) may speak about a vote of Council only for the purpose of making a motion that the vote be reconsidered / rescinded; and
 - (e) must adhere to the rules of procedure established under this bylaw and to the decision of the Chairperson and Council in connection with the rules and points of order.
- (8) If a Member does not adhere to subsection (7), the Chairperson may order the Member to leave the Member's seat and:
- (a) if the Member refuses to leave, the Chairperson may cause the Member to be removed by a peace officer or by the R.C.M.P.; and
 - (b) if the Member apologizes to the Council, Council, may, by resolution, allow the Member to retake the Member's seat.

- (9) A Member may require the motion being debated at a Council meeting to be read at any time during the debate, if that does not interrupt another Member who is speaking.
- (10) The following rules apply to limit speech on matters being considered at the Council meeting:
 - (a) the mover of the motion, after obtaining the floor from the Chairperson, will have the first opportunity to speak to the motion; and be permitted the opportunity of summation before the question is called.

- (11) The following rules apply to all persons attending a City meeting. This includes participants, staff, and Members of the public.

Members of the public may attend to observe open council meetings. A Member of the public at a meeting must maintain decorum at all times. Interruptions of any kind are not permitted while the meeting is in progress.

In accordance with Human Resources Policy No. 405 (Respectful Workplace Policy), *“Every employee has the right to work in a respectful atmosphere that promotes equal opportunities and is free from harassment, bullying and discrimination.”*

City meetings are working meetings for Council and staff; as such, outbursts, shouting (questions or comments), clapping, and booing/heckling are considered improper conduct and are not permitted. Members of the public must view the meeting from the designated gallery/seating area established for the public (area away from the Council / Committee Member table or staff table) in most circumstances there will be chairs provided in the designated area.

Council meetings, unless Closed as per the provisions of the *Community Charter*, are open to all members of the public. If the public have signs or placards, they must not contain profanity or disrespectful language. Those with signs and placards may display their signs from the back of the room in order to ensure the sightline of others observing the meeting are not blocked.

Members of the public who do not adhere to the meeting conduct, as outlined in this bylaw, may be given a compliance warning.

- (a) If, in the opinion of the Chairperson, a Member of the public has contravened subsection 11:
 - i. the Chairperson may issue a warning to the offending individual or group that their behavior is disrespectful, disruptive to proceedings or not in accordance with this bylaw. The offending individual(s) may be requested to provide their name and it will be noted in the meeting minutes (if name is not provided a description may be noted).

- ii. The Chairperson may order that the offending individual or group is expelled from the meeting
- iii. Should the Chairperson determine expulsion from the meeting is required they will state the following:

“As authorized by the *Community Charter* Section 133, I hereby order that (person’s name or description) be expelled from the meeting at this time due to the person acting improperly as follows: (state the offending behavior).

If you do not leave the meeting at this time, the RCMP will be contacted and you will be escorted from these Council Chambers / City Hall.”

Motions

27. (1) A motion will be phrased in a clear and concise manner so as to express an opinion or achieve a result. When a motion has been moved by a member and seconded by another member, it is then a motion on the floor, and is deemed to be in the possession of Council, and such motion:
- (a) must be recorded in the minutes;
 - (b) the mover of the motion, after obtaining the floor from the Chairperson, will have the first opportunity to speak to the motion;
 - (c) the mover of the main motion will be permitted the opportunity of summation before the question is called; and
 - (d) may only be withdrawn by the mover and seconder of the motion, with the consent of the majority of the members of Council present.
- (2) A Council member may make only the following motions, when the Council is debating a question. These motions are numbered; the higher number determines the type of motion that must be considered prior to the lower number motion. Each of the following motions are required to be seconded:

	Motion/Purpose	Amendable	Debatable	Required Vote
1	Postpone Indefinitely	Amendable	Yes	Majority
2	Amend	Amendable if primary	Yes	Majority
3	Refer (to someone or somewhere)	Amendable	Yes	Majority
4	Postpone Definitely/Defers (until a certain time)	Amendable	Yes	Majority
5	Limit or Extend Debate	Amendable	No	2/3
6	End Debate and Amendments		No	2/3
7	Table (temporarily suspend consideration of an issue to address another topic). The Presiding Member would ask “For what reason?” and rule on it.		No	Majority

Voting Table for Reference Purposes:

Number of Votes Cast	Majority Vote	Two-Thirds Vote
1	1	1
2	2	2
3	2	2
4	3	3
5	3	4
6	4	4
7	4	5
8	5	6

- (3) A member may request that a motion that is on the floor, be read for information, at any time during the debate.
- (4) Amendments will be put to the question in the reverse order to that in which they have been moved. An amendment will be only to the main motion and will be decided or withdrawn before the question is put to the vote on the main motion. Only one amendment will be considered by Council at a time. Council may amend an amendment by way of a sub-amending motion. No amendment will alter in a material way the principle embodied in the main motion but should merely vary its terms in one or more particulars.
- (5) A motion to refer the subject matter to a Committee, until it is decided, will preclude all amendment(s) of the main motion.
- (6) At any time after a question has been proposed, any member may "call for the question" and unless the Chairperson considers such request is an abuse of the Rules of Procedure or an infringement of the rights of minority the original question will immediately thereafter be put and decided without further debate.
- (7) Motions that are not seconded will not be included in the meeting minutes.
- (8) Motions that are withdrawn will not be included in the meeting minutes.
- (9) A motion to conclude a meeting is not necessary. Following the completion of all agenda items, the Presiding Member may state: "This meeting is now concluded."

Amending Motions

28. (1) A Member, other than the mover of a motion, may propose an amendment to a motion, and subject to the provisions regarding sub-amendments, that amendment must be disposed of before any subsequent amendments are proposed.

- (2) When an amendment to a motion has been moved and seconded, the Chairperson must, if requested by a Member, state the original motion and the amendment, and must permit debate only on the amendment.
- (3) If the amendment is defeated, debate may continue on the original motion, and if no further amendments are proposed, the Chairperson must call the question on the original motion.
- (4) If an amendment is adopted and no further amendments are proposed, the Chairperson must then call the question on the original motion, as amended.
- (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Sub-Amendments of Motions

29. (1) A member may propose a sub-amendment to an amendment, and the provisions of Amending Motions apply, so far as applicable to sub-amendments.
- (2) A member may not propose a sub-amendment to a sub-amendment.
- (3) The Chairperson must call the question on a motion which has been amended, in the following order:
 - (a) a sub-amendment, if any;
 - (b) an amendment to the original motion; and
 - (c) the original motion.

Scope of Amendments and Sub-Amendments

30. The amendments may take the form of the deletion, addition, or substitution of words or figures, provided such deletions, additions, or substitution do not, in the opinion of the Chairperson, affect the original motion, the amendment, or the sub-amendment, whichever is applicable to the extent that it is either:
 - (a) negated, or
 - (b) changed in such a way that either an alternative motion is proposed, or all reference to the original motion, the amendment, or the sub-amendment, whichever is applicable, is eliminated.

Bringing Back Adopted Motions

31. (1) Subject to this section, a Member who voted with the majority to adopt a resolution by Council may move to rescind that resolution at the same meeting at which the adopted resolution was carried. Or if the adopted motion is to be considered at a subsequent meeting, by Notice of Motion to reconsider the item.
- (2) A resolution or bylaw which has been adopted may be brought back before Council by a motion to reconsider a resolution or rescind the a bylaw, provided:
- (a) the resolution or bylaw has not been acted upon by an officer, employee, or agent of the City; and
 - (b) the resolution or bylaw has not had the approval of the electors or the assent of the electors.
- (3) A motion to rescind an adopted resolution or bylaw:
- (a) may only be made at the same meeting; and
 - (b) may only be made by a Member who voted in favour of it.
- (4) A motion to reconsider an adopted resolution or bylaw may be made at a future meeting, within 30 days of the meeting where the vote to adopt was made:
- a) by a Member giving notice under Notice of Motion at a regular Council meeting; and
 - b) must be made by a Member who voted with the majority to adopt the resolution or bylaw.
- (5) A motion to reconsider:
- (a) is debatable;
 - (b) if adopted, the resolution or bylaw shall be reopened for debate; and
 - (c) if reopened for debate, may be referred, amended, postponed to the next regular Council meeting if held withing 30 days or voted on for a second time.
- (6) A motion to rescind:
- (a) is debateable; and
 - (b) If adopted, the motion is no longer applicable, and it would be in order to move a subsequent motion.
- (7) If a motion to reconsider something previously adopted is defeated, the same or substantially the same motion to reconsider or amend may not be renewed for at least six (6) months, except if Council, by a two-thirds majority vote (more than 5 of the 7 members of Council), permits such renewal.

Bringing Back Defeated Motions

32. (1) A motion to reconsider a defeated motion of Council will only be applicable to the votes taken on main motions, resolutions or bylaws, and will not apply to votes on secondary motions (e.g. to postpone, to refer, to table and to amend).
- (2) Subject to subsection (3) a member who voted with the majority to defeat a resolution or bylaw may propose reconsideration of the defeated resolution or bylaw by making a motion at the meeting at which it was defeated or at a subsequent meeting by providing a Notice of Motion for reconsideration.
- (3) A resolution or bylaw which was defeated may be reconsidered provided no irreversible actions has been taken by an officer, employee, or agent of the City pursuant to the defeat of the resolution or bylaw.
- (4) A motion to reconsider a defeated resolution or bylaw may only be made:
- (a) at the same meeting during which the resolution or bylaw was defeated, or
 - (b) at the next regular Council meeting if held within 30 days of the original vote to defeat the resolution or bylaw; and
 - (c) if made pursuant to paragraph (b), must be notified in advance by way of Notice of Motion or by placing it on the agenda for the next meeting.
- (5) A motion to reconsider:
- (a) is debatable
 - (b) if adopted, the resolution or bylaw shall be re-opened for debate; and
 - (c) if re-opened for debate, may be referred, amended, or voted on for a second time.
- (6) If a motion to reconsider something previously defeated is defeated, the same or substantially the same motion may not be renewed for at least six (6) month, unless Council by a two-thirds majority vote (5 or more for Council of 7), permits such renewal.

Reconsideration Requested by the Mayor

33. (1) Without limiting the authority of council to reconsider a matter, the Mayor may require the council to reconsider and vote again on a matter that was the subject of the vote.
- (2) As restrictions on the authority under subsection (1):
- (a) the Mayor may only initiate a reconsideration under this section:
 - i) at the same council meeting as the vote took place; or

- ii) within the 30 days following that meeting, and
- (b) a matter may not be reconsidered under this section if:
 - i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or
 - ii) there has already been a reconsideration under this section in relation to the matter.
- (3) On a reconsideration under this section, the council
 - (a) must deal with the matter as soon as convenient, and
 - (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.

Notice of Motion

34. (1) A Notice of Motion, if forwarded to the Director of Corporate Administration's office prior to the Council agenda deadline, will be placed on the upcoming regular meeting agenda under Motion and Notices of Motion with the requesting Member of Council's name so they may introduce the motion for consideration at that time or at a future meeting; or
- (2) During the Motion and Notices of Motion portion of a regular or special meeting of the Council, any Council Member may give a "Notice of Motion" respecting an item which they intend to present at a future meeting, upon the Member being acknowledged by the Chairperson and the Notice of Motion being read to the meeting.
- The Member of Council may provide a written copy of the motion presented under this section the Director of Corporate Administration for inclusion in the Minutes of that meeting as a "Notice of Motion". The Director Corporation Administration shall place the motion on the Agenda of the next regular or special council meeting, or other future meeting designated by the Member of Council by bringing forward the Notice of Motion, for consideration.
- (3) Council may vote to consider a Notice of Motion presented at the same meeting, provided there is a two-thirds majority vote (5 or more for Council of 7) supporting consideration at that time. (eg. first a motion would be to consider the Notice of Motion given at the meeting where a 2/3 vote must be adopted and if successful then the motion itself can be considered at the same meeting).

Reports from Committees

35. Council may take any of the following actions in connection with a recommendation(s) it receives from COTW or any of its Committees / Advisory Body:
- (a) agree or disagree with the recommendation(s);
 - (b) amend the recommendation(s);
 - (c) refer the recommendation(s) to staff;
 - (d) refer the recommendation(s) back to the originating committee or to another committee;
 - (e) postpone consideration of the recommendation(s); or
 - (f) receive for information.

Communications to Council

36. (1) Communications intended to be presented to Council will:
- (a) be legibly written, typed or printed; and
 - (b) include the name and city of residence of the author.
- (2) All communications which require a report may be referred by Council to any Committee, the CAO or to staff by formal resolution by Council for such referral.

Meeting Conclusion

37. (1) A Council may continue a Council meeting after 9:30 p.m. only by an affirmative majority vote of Members present.
- (2) At the close of a meeting of Council or Committee, the Chairperson will state "This meeting is now concluded" (motion to conclude is not necessary).

PART 5 – PUBLIC HEARINGS

Rules of Public Hearing/Meetings

38. (1) Public Hearings must be held in accordance with the *Local Government Act*. A statement outlining the meeting conduct will be read at the start of the public hearing for the evening by either the Presiding Member or the Director of Corporate Administration or designate. The statement must include the following points:
- (a) each person wishing to address Council will be given a maximum of five (5) minutes to speak;

- (b) in order to speak, one must be acknowledged first by the Chairperson;
- (c) speakers will be asked to share their name and city of residence;
- (d) once all in attendance have had the opportunity to speak, the Chairperson will ask again for anyone wishing to speak to come forward. Those speakers who have already addressed Council may speak again; however, speakers should refrain from repeating information that they have already presented to Council; and
- (e) At the end of the public hearing the Chairperson will conclude the Public Hearing (motion to conclude is not necessary).

PART 6 – BYLAWS

Copies of Proposed Bylaws to Council

39. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each member with the agenda or where circumstances prevented a copy of the bylaw from being delivered to each Member with the agenda, with an affirmative majority vote of Members present.

Form of Bylaws

40. A bylaw introduced at a Council meeting must:
- (a) be available in hard copy for review by Council;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number and
 - (d) be divided into sections.

Bylaws to be Considered Separately or Jointly

41. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the Chairperson or required by a Member; or
 - (b) jointly with other proposed bylaws in the sequence determined by the Chairperson.

Reading and Adopting Bylaws

42. (1) The reading of a proposed bylaw may be given by stating its short title or by reference to the bylaw number provided a copy of the proposed bylaw has been included in the agenda or hard copy has been placed On-Table for consideration.
- (2) First, second and third reading of the Bylaw may consist of debate upon the general principles of the Bylaw.

- (3) The bylaw may be given first and second reading or first, second and third readings in one (1) motion at the same Council meeting provided a copy of the proposed bylaw has been included in the agenda or hard copy has been placed On-Table for consideration.
- (4) The only motion required for the final adoption of a bylaw after consideration shall be “That Council give “bylaw title or number” final reading”, may be noted in this short form if included in the agenda or a hard copy has been placed On-Table.
- (5) A proposed bylaw may be amended at any time during the first three (3) readings unless prohibited by the *Community Charter*.
- (6) Unless otherwise provided, each reading, individually or taken at one time, of a proposed bylaw must receive the affirmative vote of a majority of Members present.
- (7) Notwithstanding the *Community Charter* and in accordance with the *Local Government Act*, Council may adopt a proposed official community plan or zoning bylaw at the same meeting at which the plan or bylaw was given third reading.
- (8) The Director of Corporate Administration may consolidate one or more of the City’s bylaws for convenience purposes.

Bylaws Must be Signed

- 43. After a bylaw is adopted and signed by the Director of Corporate Administration or designate and the Chairperson of Council at which it was adopted, the Director of Corporate Administration must have the bylaw placed in the City’s records for safekeeping.

PART 7 – COMMITTEE OF THE WHOLE (COTW)

- 44. (1) A Committee of the Whole (COTW) meeting can be called:
 - (a) at any time by the Mayor; and
 - (b) at any time during a council meeting, Council may, by resolution, go into COTW.

Notice of Committee of the Whole Meetings

45. (1) Subject to subsection (2), a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by:
- (a) posting a copy of the notice on the Public Notice Posting Place;
 - (b) leaving a copy of the notice for each Member in the Member's mailbox at City Hall; and
 - (c) e-mailing the Member.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 44 (b) during a Council meeting for which public notice has been given pursuant to this Bylaw.

During a Council meeting, Council may resolve to go into a COTW by a resolution

"...THAT the Council do now resolve itself into a Committee of the Whole."

The Chairperson of the Council Meeting will release the Chair. The Chairperson of the COTW (the Deputy Mayor) will then assume control of the COTW meeting. When all matters referred to a COTW have been considered, a question will be called on a motion to revert back to the regular meeting.

Chairperson at Committee of the Whole (COTW) Meetings

46. (1) The current Deputy Mayor will act as the Chairperson of COTW.
- (2) In the current Deputy Mayor's absence, the next scheduled Deputy Mayor in the rotation that is present will take the role as Chairperson of COTW.

Conduct and Debate

47. The rules of the Council will be observed in Committee of the Whole, so far as may be applicable, except debate may occur prior to a motion being made.

PART 8 – COMMITTEES (INCLUDING COMMITTEE OF THE WHOLE WHERE NOT SPECIFICALLY ADDRESSED UNDER PART 7)

Duties of Standing Committees

48. (1) Standing Committee members may consider, inquire into, report and make recommendations to Council on the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;

- (b) matters that are assigned by Council; and
 - (c) matters that are assigned by the Mayor.
- (2) Notwithstanding section 48 (1) Standing Committees consisting of all members of Council may deliberate on all matters in 48 (1) but will forward only matters onto Council that pertain to Council policy, bylaws and legislated items for a decision of Council; all other matters will be handled at the Committee level.

Duties of Select Advisory Body / Committee (Committee)

49. (1) Select committees may consider, inquire into, report and make recommendations to Council about matters referred to committee by Council, the Chief Administrative Officer, staff liaison or items brought forward by Committee members that are described in the Committee's Mandate / Terms of Reference.
- a) **Sub-committees:** A committee may appoint members to a sub-committee to inquire into matters and to report and make recommendations to the committee for a specific purpose. A sub-committee may be formed in the circumstance there is a heavy workload and there are items that can be broken down and worked on with the sub-committee's advice and recommendations coming back to the originating committee. Meetings of the sub-committee are open to the public (subject to statutory closed meeting matters under s. 90 *Community Charter*), must include agenda, meeting minutes and be posted just as a committee meeting held by the City of White Rock.
 - b) **Working Groups:** A committee, sub-committee, or task force may form a working group for the limited purpose of:
 - (a) gathering, summarizing or preparing a presentation of information, including research and analysis, to deliver to the originating Committee, or
 - (b) carrying out a specific prescribed activity (ex. parade float production) taking available information and placing it into a specified format for the originating Committee.

Due to the limited nature of the working group, they would perform their work on their own. If a working group provides advice and recommendations or an opinion on matters of policy to Council, a committee or a subcommittee, then it may be characterized as a sub-committee and not a mere working group - this type of work is to be done in the committee or subcommittee meeting format so the public have the opportunity to see and hear how recommendations to Council are formed. A working group does not meet in a formal circumstance (no agenda, meeting minutes, meeting notice is required).

- (2) All Committees must report and make recommendations to Council when directed by Council resolution.
- (3) Members of Council will be appointed to Committees of Council to serve as Chairperson and Vice-Chairperson. They are to attend and chair meetings, participate/contribute to discussions, and offer information from a City / Council perspective. They will provide context to matters referred to the Committee, and report updates and introduce recommendations at the Regular Council meetings when brought forward for consideration. A Chairperson / Vice-Chairperson monitors discussions to ensure they coincide with the Committee Mandate and Council's Corporate Priorities.

Schedule of Advisory Body / Committee (Committee) Meetings

50. (1) At the first meeting after its establishment, a Committee will review and adopt the established regular schedule of meetings distributed by the Corporate Administration Office.
- (2) Once the schedule is adopted by Committee only the Chairperson or Vice Chairperson, in the absence of the Chairperson, can amend the meeting schedule.
- (3) Standing Committees meet on an as needed basis; items are brought forward by Council or staff in accordance with the Committee mandate and agendas will be provided at the same time and means as the regular Council meeting agendas or at a minimum 24 hours prior to the meeting date.

Agendas for Advisory Body / Committee (Committee) Meetings

51. (1) The deadline for submissions of items for inclusion on the agenda for the Committee meeting by Council, and staff to the Committee Clerk or the Director of Corporate Services is seven (7) business days prior to the Committee meeting.
- (2) If there are no agenda items for meeting received by noon on the day in accordance with 51 (1) the Committee Clerk will inform the Chairperson, and staff liaisons and it will be determined if the meeting will be cancelled.

Council Liaisons to Advisory Body / Outside Organizations

52. The Council Liaison to an Advisory Body / Outside Organization function includes:
 - Attending meetings, when unable contact the Alternate Council Liaison to arrange for their attendance;
 - Participate and contribute in discussions and offer information from a City Councillor perspective; and

- Be a spokesperson / answer questions to help inform on behalf of the Advisory Body / Outside Organization when recommendations are brought forward for consideration.

Notice of Advisory Body / Committee (Committee) Meetings

53. (1) Subject to subsection (2), after the Committee has reviewed the established regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Place;
 - (b) posting on the City website; and
 - (c) providing a copy of the schedule to each Member of the Committee.
- (2) Where revisions are necessary to the annual schedule of Committee meetings, the Committee Clerk or the Director of Corporate Administration must post a revised schedule as soon as possible at the Public Notice Posting Place and a copy will be placed on the City Website. The updated schedule will be included on the Committee agenda for information purposes.
- (3) The Committee Clerk or the Director of Corporate Administration must ensure a notice of the day, time and place of a meeting called given or sent to all Members of the Committee at least 24 hours before the time of the meeting. The agenda for the meeting may be considered notice.

Attendance at Advisory Body / Committee (Committee) Meetings

53. (1) Members of the public may attend committee meetings, to observe, that are not closed in accordance with the *Community Charter*.

Presentations at Advisory Body / Committee (Committee) Meetings

54. (1) When deemed relevant to the discussion of a particular item of business under consideration by the Committee, the Chairperson may, with majority consent of those Committee members in attendance, give permission to a member of the public in attendance to speak to the item in question.
- (2) At Standing Committees meetings, where the members are comprised of all of Council, a presentation will be permitted regarding an item on the agenda where the presenter could outline the intent of an application or give professional insight to a subject matter. A presentation of this nature must not exceed 10 minutes unless agreed to by a majority of members present.

Minutes of the Advisory Body / Committee (Committee) Meetings

55. (a) Minutes of the proceedings of a Committee must be action based and will only include the following:
- Attendance
 - Items discussed
 - Resolutions that were adopted
 - Action items that were directed
 - Recommendations that were directed or adopted by the Committee
- (b) Minutes will further be:
- a) certified by the Committee Clerk;
 - b) open for public inspection in accordance with the *Community Charter*; and
 - c) motions are to be recorded as recommendations that would be forwarded to Council for ratification, unless they are by a Standing Committee of Council that is comprised of all Members of Council and the Terms of Reference states contrary, the Terms of Reference in this circumstance will be followed.

Conduct and Debate

56. (1) The rules of the Council procedure must be observed during Advisory Body / Committee (Committee) meetings, so far as possible and unless as otherwise provided in this bylaw.
- (2) Persons attending a meeting of a Committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the Committee Members present.
- (3) The Committee Clerk is there to help ensure the City's process and legislation are known and adhered to. It is the City's expectation that when the Committee Clerk states an item of concern or when they give direction in regard to meeting process that it would be adhered to.

Terms of Reference

57. Council must approve all of the City's Advisory Body/ Committee Terms of Reference.

PART 9 – GENERAL

58. If any provision of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
59. A motion to censure may be used to express Council's indignation with a Council member's conduct regarding Council business. A motion of this nature would be used only in extraordinary circumstances, where the principles of the City's Respectful Workplace Policy has not been adhered to, and will be:
- (a) seconded;
 - (b) debatable;
 - (c) amendable;
 - (d) requires a majority vote;
 - (e) and will be recorded in the Council meeting minutes.
60. "*The White Rock Council Procedure Bylaw, 2015, No. 2232*" and all amendment are hereby repealed.

RECEIVED FIRST READING on the _____ day of _____

RECEIVED SECOND READING on the _____ day of _____

RECEIVED THIRD READING on the _____ day of _____

PUBLISHED in the Peace Arch News on the _____ days of _____

ADOPTED on the _____ day of _____

MAYOR

DIRECTOR OF CORPORATE ADMINISTRATION

THE CORPORATION OF THE CITY OF WHITE ROCK BYLAW 2232 INDEX



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**THE CORPORATION OF THE
CITY OF WHITE ROCK**

BYLAW NO. 2232



A Bylaw to establish the rules of procedure for
Council and Committee Meetings.

DISCLAIMER: THIS BYLAW IS CONSOLIDATED FOR CONVENIENCE ONLY. THE CITY DOES NOT WARRANT THAT THE INFORMATION CONTAINED IN THIS CONSOLIDATION IS CURRENT. IT IS THE RESPONSIBILITY OF THE PERSON USING THIS CONSOLIDATION TO ENSURE THAT IT ACCURATELY REFLECTS CURRENT BYLAW PROVISIONS.

Consolidated as of April 2020.

TABLE OF CONSOLIDATION			
BYLAW	DATE APPROVED	AMENDMENT NO.	SUBJECT MATTER
2277	January 14, 2019	1	Question & Answer Period
2284	January 28, 2019	2	Agenda Publication & Deadlines
2337	April 6, 2020	3	Electronic Participation
2338	April 20, 2020	4	Advisory Bodies and General Housekeeping

The Council of the City of White Rock, in an open meeting, enacts as follows:

PART 1 – INTRODUCTION

Title

1. This Bylaw may be cited as the “*Council and Committee Procedure Bylaw, 2018, No. 2232*”.

Definitions

New Definitions added by Bylaw 2338: a, f, l, q, r, u, w, x, y & z,

2. In this bylaw:
 - (a) ‘Advisory Body’ means any committee, sub-committee, task force, board, panel etc. that has been established by Council.
 - (b) ‘City’ means the City of White Rock.
 - (c) ‘Chief Administrative Officer’ is the staff person whose responsibilities are outlined under Chief Administrative Officer in the *Community Charter*. and as set out in the City’s Officer and Indemnification Bylaw.
 - (d) ‘Chairperson’ means the presiding member of a meeting.
 - (e) ‘Closed Meeting’ means a meeting that the public are not permitted to attend in accordance with the *Community Charter*.
 - (f) ‘Committee’ means a standing, select, task force, panel or advisory committee, but does not include Committee of the Whole.
 - (g) ‘Committee Clerk’ is the person who is responsible for establishing an agenda, with other City staff and the Chairperson, and taking the minutes at a meeting of a Committee.
 - (h) ‘Committee Member’ is a person who is appointed by the Mayor or City Council to a standing, select, advisory, task force. panel or other Committee.
 - (i) ‘Committee of the Whole’ (COTW) refers collectively to those members of Council present when Council moves to sit as a Committee.
 - (j) ‘Council’ is the Mayor and Councillors duly elected in the City of White Rock and who continue to hold office.
 - (k) ‘Councillor’ is a Councillor duly elected in the City of White Rock and who continues to hold office.
 - (l) ‘Council Liaison’ is a Councillor appointed to represent the City/Council on any Advisory Body or external group or organization (eg: select committee, regional committee, etc.)
 - (m) ‘Delegation’ refers to an individual or group bringing information to Council on a topic specified on a “Request to Appear as a Delegation” form.

- (n) ‘Deputy Mayor’ is the Councillor who, in accordance with Part 3 of this Bylaw, is responsible for acting in the place of the Mayor when the Mayor is absent or otherwise unable to act or when the office of the Mayor is vacant.
- (o) ‘Director of Corporate Administration’ is the staff person with the responsibilities of the Corporate Officer as outlined in the *Community Charter* and as set out in the City’s Officer and Indemnification Bylaw.
- (p) ‘Mayor’ is the Mayor duly elected in the City of White Rock and who continues to hold office.
- (q) ‘Member’ is a Member of Council including the Mayor or a person appointed to a committee / Advisory Body, as defined in this bylaw, by Council and/or by the Mayor.
- (r) ‘Presentation’ refers to an individual or group that has been requested by Council or staff in order to inform or update Council on a subject relevant to City business, when possible the topic is already scheduled to be discussed on the agenda. The presenter’s name and, if applicable, title to the organization, and topic will be placed on the meeting agenda.
- (s) ‘Presiding Member’ is the person who is responsible for chairing the meeting.
- (t) ‘Public Hearing’ means a hearing that is required according to the *Local Government Act*, for the purposes of this bylaw where public hearing is noted will also include public meetings.
- (u) ‘Public Notice Posting Place’ is the notice board at City Hall. Under extenuating circumstances where City Hall is closed to the public (example: a pandemic) information will be placed on the front window at City Hall (Lobby area) and the City Website.
- (v) ‘Quorum’ means a majority of all of its Council or Committee voting members that must be present in order to conduct official business (any matters requiring a vote, including adoption of the agenda, minutes, etc.).
- (w) “Standing Committee” means they are established by the Mayor for matters the Mayor considers would be better dealt with by committee and the Mayor must appoint persons to those committees. At least half of their membership are members of Council.
- (x) “Select Committee” means they are established and appointed by Council to consider or inquire into any matter and to report its findings and/or opinions (recommendations) to the Council. At least one (1) member of a select committee must be a Member of Council.
- (y) “Task Force” means they are established and appointed by Council to consider or inquire into a specific subject matter or action and to report its findings and/or opinions to the Council. At least one (1) member of a Task Force must be a Member of Council.

- (z) ‘Working Group’ means a group formed by Advisory Body for the limited purpose of:
 - a) Gathering, summarizing, or preparing a presentation of information including research and analysis to deliver to the originating Advisory Body.
 - b) Carrying out a specific prescribed activity

Application of Rules of Procedure

- 3. (1) The provisions of this Bylaw apply to all meetings of Council, COTW and all Committees / Advisory Body.
~~The provisions of this Bylaw apply to all meetings of Council, COTW and all Committees.~~ *Replaced by Bylaw 2338*
- (2) In cases not provided for under this Bylaw, the latest edition of Robert’s Rules of Order will apply to the proceedings of Council, COTW, and Committees to the extent that those rules are:
 - (a) applicable in the circumstances, and
 - (b) not inconsistent with the provision of this Bylaw the *Community Charter* or *Local Government Act*.

PART 2 – COUNCIL MEETINGS

Inaugural Meeting

4. (1) Following a general local government election, the inaugural meeting (the first meeting of the newly elected Council) must be held on the first Monday in November in the year of the election.
~~Following a general local election, the inaugural meeting (the first meeting of the newly elected Council) must be held on the first Monday in November in the year of the election. Replaced by Bylaw 2338~~
- (2) If a quorum of members elected at the general local election has not taken office by the date of the meeting referred in subsection (1), the first Council meeting will be called by the Director of Corporate Administration and held as soon as reasonably possible after a quorum of members has taken office.

Time and Location of Meetings

5. (1) Council meetings will take place within City Hall, or at a city owned facility, unless another location is deemed necessary by Council or staff to hold its meetings elsewhere. The meeting location will be noted on the meeting notice when applicable, and/or the agenda for the meeting.
- (2) Regular Council meetings will:
 - (a) be held on Mondays, in accordance with the schedule adopted by resolution by Council on or before December 31 of the preceding year;
 - (b) commence in accordance with the approved regular Council meeting schedule posted at the Public Notice Posting Place; generally, but not exclusively, at 7:00 p.m.; if there is a public hearing/meeting scheduled, the regular meeting will begin at the scheduled start time and be reconvened immediately following conclusion or adjournment of the public hearing/meeting;

 Earlier start times for regular meetings and public hearings / meetings will be applied when circumstances, determined by the Mayor and/or staff require them (including but not limited to: high volume of business, special presentation(s) or a large public hearing/meeting is anticipated).
 - (c) be concluded or adjourned at 9:30 p.m. unless Council resolves to proceed beyond that time in accordance with Section 34 of this bylaw.
~~be concluded or adjourned at 10:30 p.m. unless Council resolves to proceed beyond that time in accordance with Section 32 of this bylaw.~~
 Replaced by Bylaw 2338

- (3) Council Meetings may:
 - (a) be cancelled by resolution by Council, provided that two consecutive meetings are not cancelled.
- (4) Special Council meetings may be called:
 - (a) By the Mayor at their discretion; or
 - (b) By two (2) or more Council Members, in writing, may request the Mayor call a Special Council meeting;
 - (c) Two (2) or more Council Members may themselves call a Special Council meeting if:
 - Within 24 hours after receiving a request under subsection (b), and no arrangements are made under subsection (a) for a special Council meeting to be held within the next seven (7) days, or
 - both the Mayor and the Acting Mayor are absent or otherwise unable to act

Note: if the meeting is called under subsection (c) the Council Members calling the meeting or the Director of Corporate Administration must sign the meeting notice.

- (5) (1) Closed Meetings of Council will be called as the need arises.
- (2) Any items which, in the opinion of Council, do not comply with the Closed Meeting criteria specified in the *Community Charter* must be deleted from the agenda of the Closed Meeting and be referred to:
 - (a) a future Regular Council Meeting as an additional item; or
 - (b) a committee; or to
 - (c) staff.
- (3) Information considered in any part of a Closed Meeting of Council must be kept in confidence until Council releases the information to the public. The consequences of a Member breaching the duty of confidentiality may include, but are not limited to: motions by Council to censure the Member, removal of the Member from the Deputy Mayor rotation, removal of the Member from committees, court proceedings to recover damages from the Member, and court proceedings to obtain a statutory injunction (including contempt of court proceedings in the event of a continuing contravention).

~~Information considered in any part of a Closed Meeting of Council must be kept in confidence until Council discusses the information at a meeting that is open to the public or releases the information to the public. The consequences of a Member breaching the duty of confidentiality may include, but are not limited to: motions by Council to censure the Member, removal of the Member from the Deputy Mayor~~

~~rotation, removal of the Member from committees, court proceedings to recover damages from the Member, and court proceedings to obtain a statutory injunction (including contempt of court proceedings in the event of a continuing contravention). Replaced by Bylaw 2338~~

Notice of Council Meetings

6. (1) In accordance with the *Community Charter*, Council will annually:
- (a) adopt on or before December 31 a schedule of dates, times and places of Regular Council meetings for the following year and make the schedule available to the public by posting it at the Public Notice Posting Place ; and
 - (b) give notice when the schedule of Regular Council meetings will be available at least once a year in accordance with sections 94 and 127the *Community Charter*.

7. (1) Except where notice of a special meeting is waived by unanimous vote of all members, a notice of the date, time and place of a special Council meeting must be given at least 24 hours before the time of a meeting by:
 - (a) posting a copy of the notice on the Public Notice Posting Place;
 - (b) leaving a copy of the notice for each member in the member's mailbox at City Hall; and
 - (c) e-mailing Council.
- (2) The notice under subsection (1) must describe in general terms the purpose of the meeting and be signed by the Mayor or the Director of Corporate Administration.

PART 3 – DESIGNATION OF COUNCILLOR TO ACT IN PLACE OF THE MAYOR

Deputy (Acting) Mayor

8. (1) Annually Council will designate the order in which each member will serve as Deputy Mayor on a rotating basis. During an election year this will be conducted at the inaugural Council meeting. Amendments to the schedule must be made by Council resolution.
 - (2) If both the Mayor and the Councillor appointed under section (1) are absent from a Council meeting, the Councillor that appears next on the rotation that is present at the Council meeting will act as Deputy Mayor/Chairperson for that Council meeting.
- ~~If both the Mayor and the Councillor appointed under section (1) are absent from a Council meeting, the Councillor that appears next on the rotation and is present at the Council meeting will act as Deputy Mayor/Chairperson for that Council meeting. Replaced by Bylaw 2338~~
- (3) When the Mayor is absent or otherwise unable to act, or when the office of the Mayor is vacant, the Deputy Mayor:
 - (a) has the same powers and duties as the Mayor in relation to the applicable matter;
 - (b) must fulfill the responsibilities of the Mayor at the Council Meeting; and
 - (c) may sit in the Mayor's chair for the duration of the Council meeting.

PART 4 – COUNCIL PROCEEDINGS

Attendance of Public at Meetings

9. (1) Except where the provisions of the *Community Charter* apply, all Council meetings must be open to the public.
- ~~(2)~~ Before closing a Council meeting or part of a Council meeting to the public, Council must pass a resolution in a public meeting in accordance with the *Community Charter* that states:
- The fact that the meeting or part of the meeting is to be closed; and
 - The basis under the applicable subsection of section 90 of the *Community Charter* on which the meeting or part is to be closed
- ~~(3)~~ .
- This section applies to all meetings of the bodies referred to in the *Community Charter* including without limitation :
- (a) COTW
 - (b) Standing, Select, Sub Committees;
 - (c) Parcel Tax Review Panel;
 - (d) Boards;
 - (e) Advisory Committees; and
 - (f) Task Forces
- ~~(4)~~ Despite subsection (1), the Presiding Member may expel or exclude a person from a Council meeting in accordance with the *Community Charter*.

Minutes of the Meetings

10. (1) Minutes of the proceedings of Council must be legibly recorded and certified as correct by the Director of Corporate Administration or designate and signed by the Mayor or Chairperson at the meeting or at the next meeting at which the minutes are adopted responsible for taking the meeting minutes.
- ~~Minutes of the proceedings of Council must be legibly recorded and certified as correct by the Director of Corporate Administration and signed by the Mayor or Chairperson at the meeting or at the next meeting at which the minutes are adopted responsible for taking the meeting minutes. Replaced by Bylaw 2238~~
- (2) The Director of Corporate Administration is responsible for taking the meeting minutes and shall record that a Member has moved the motion and a Member has seconded the motion but need not record the names of the Members that move and second the motion.

- (3) Subject to subsection (4), minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours and as technology permits available on the City website.
~~Subject to subsection (4), minutes of the proceedings of Council must be open for public inspection at City Hall during its regular office hours and available on the City website. Replaced by Bylaw 2338~~
- (4) Subsection (3) does not apply to minutes of a Council meeting or that part of a Council meeting that is closed to the public
- (5) The Director of Corporate Administration or designate is responsible for taking the meeting minutes and may make minor amendments to approved minutes including but not limited to typographical errors, sequential number errors, grammatical errors or completing missing information.
~~The Director of Corporate Administration is responsible for taking the meeting minutes and may make minor amendments to approved minutes including but not limited to typographical errors, sequential number errors, grammatical errors or completing missing information. Replaced by Bylaw 2338~~

Seating Arrangements

11. (1) The Mayor shall designate each Councillor to a seat at the Council table at the beginning of the term.
- (2) The only exception for this would be should the member of Council wish to sit in the Mayor's Chair, in the Mayor's absence, if they are the Presiding Member of the meeting.
~~Except as provided in section 8(3), each Councillor shall remain in their designated seat at each Council meeting for the duration of the term. Replaced by Bylaw 2338.~~

Calling Meeting to Order

12. (1) As soon after the time specified for a Council meeting and if there is a quorum present, the Mayor must take the Chair as Chairperson and call the Council meeting to order.
- (2) If the Mayor is absent, then the Deputy Mayor must take the Chair as Chairperson and call the meeting to order.
- (3) If both the Mayor and Deputy Mayor are absent, the next on the rotation for Deputy Mayor that is in attendance must take the Chair as Chairperson and call the meeting to order.
~~If a quorum of Council is present but the Mayor and the Deputy Mayor do not attend within 15 minutes of the scheduled time for a Council meeting:~~

- ~~(a) the Director of Corporate Administration must call to order the members present; and~~
- ~~(b) the next scheduled Deputy Mayor of the rotation would act as Chairperson for the meeting.~~ *Replaced by Bylaw 2338*

Adjourning Meeting Where No Quorum

13. (1) If there is no quorum of Council present within 15 minutes of the scheduled time for a Council meeting, the Director of Corporate Administration will:
- (a) record the names of the Members present, and those absent; and
 - (b) Adjourn the meeting until the next scheduled meeting stating date/time and location of the meeting.

Agenda

14. (1) Prior to each Council meeting:
- (a) the Director of Corporate Administration, in consultation with the Chief Administrative Officer and the Mayor, must have prepared an Agenda setting out all items for consideration at the meeting; and
 - (b) Will provide a copy of the agenda by end of the day on the Wednesday prior to the meeting to each member of Council through technological means and/or in their mailbox at City Hall, unless otherwise directed by the member of Council. *(amended by Bylaw 2284)*
~~will provide a copy of the agenda by end of day on the Thursday prior to the meeting to each member of Council through technological means and/or in their mailbox at City Hall, unless otherwise directed by the member of Council.~~
- (2) The deadline for items or submission to the Corporate Administration Department for inclusion on the agenda for Council, staff and the public is 8:30 a.m. ~~4:30 p.m.~~ on the Monday prior to the Council meeting. If a time-sensitive matter arises, the Director of Corporate Administration and/or the Chief Administrative Officer may, at their discretion, add agenda items following this deadline. *Revised by Bylaw 2338.*
- (3) The Director of Corporate Administration will make the agenda available to the public after it has been sent to Council as follows:
- A reading / reference copy will be available in the Administration office;
 - Photocopies of the agenda will be available upon request in accordance with the City's Fees and Charges Bylaw; and
 - On the City website, the Thursday ~~Friday~~ prior to the Monday meeting (making allowance for technical error when the system is down and or documents have had issue being uploaded to the website). *(Revised by Bylaw 2338)*

Order of Proceedings and Business

15. (1) The agenda order of proceedings and business for all regular Council meetings will be set in accordance with a separate council policy.

Late Items (On Table or Supplemental Agenda)

16. (1) An item of business not included on the Agenda must not be considered at a Council meeting unless Council resolves to introduce the late item to the agenda by vote of the majority of members present.
- (2) If the Council makes a resolution under subsection 15(1), information pertaining to the late item(s) must, when possible, be distributed to the Members by written copy or verbally.

If Council votes to permit the amendment to the agenda, the Chairperson or Director of Corporate Administration will advise if a) there is a written copy of the information to be supplied on table **or verbally**, or b) if the item will be introduced verbally. *Revised by Bylaw 2338.*

NEW sections 17 and 18 added by Bylaw 2337 (and the rest renumbered accordingly)
Electronic Participation by Council Members

17. (1) A Council Member who is unable to attend a Regular, Special or Standing Committee meeting (Council Meeting) in person may, but are not required to, participate in the Council Meeting by electronic or other communication means if:
- the facilities enable the other Council Members to hear and be heard by the Council Member; and
 - except for any part of the Council Meeting that is closed to the public, the facilities enable the public to hear, or watch and hear, the Council Member.
17. (2) A Council Member is not obligated to participate in a Council meeting if they are ill, on vacation or away on other business. This provision is included to accommodate a circumstance where a Council meeting is to be held and the Council Member wishes to be afforded the opportunity to participate.
17. (3) A Council Member who intends to participate in a Council Meeting by electronic or other communication means shall give the Director of Corporate Administration notice of this intention at least 48 hours prior to the Council Meeting. The Director of Corporate Administration or designate shall, as soon as reasonably possible thereafter, provide the Council Member with instructions on how to connect to and participate in the Council Meeting by electronic or other communication means.

17. (4) A Council Member who intends to participate in a Council Meeting by electronic or other communication means shall be deemed to be present at the meeting and counted towards being in attendance.
17. (5) The Chairperson of the meeting must not participate by electronic means.
17. (6) A physical quorum must be present at any Council meeting where a member is attending electronically.
17. (7) A Council Member who intends to participate in a Council Meeting by electronic or other communication means may do so for a maximum of three (3) scheduled Council meeting days per calendar year, unless in the circumstance permission by majority vote of Council / Standing Committee members present permit relaxation of this item.
17. (8) The Council Member shall verbally advise Council when they join the Council meeting and when they leave the Council meeting.
17. (9) A Council Member who intends to participate in a Council Meeting by electronic or other communication means, shall vote audibly so that their vote can be recorded in the minutes..
17. (10) When a Council Member participates in a Council Meeting by electronic or other communication means the Chairperson shall ensure to repeat the results of each vote, including the names of Council Members voting in favour and opposition, immediately following each vote.

Electronic Participation by Council Members in extenuating circumstance(s)

18. (1) Under extenuating circumstances and with the express approval of the Mayor / and/or Deputy Mayor where City Hall has been closed to the public. A Council / Standing Committee meeting may be held with one (1) member of Council physically in attendance to assume the role as Chairperson. All other members of Council with the exception of the Chairperson may participate electronically in Council / Standing Committee meetings, in accordance with the *Community Charter*, provided staff are able to secure the electronic equipment to facilitate the meeting.

Examples of an extenuating circumstance include:

- a State of Emergency Declaration by the Federal Government and/or Province and/or the City;
- Provincial Health Emergency

18. (2) Quorum of Council (four (4) members of a full Council) is required for this meeting to be held. A Council Member is not obligated to participate in a

Council / Standing Committee meeting held under this section if they are ill, on vacation or away on other business.

18. (3) Processes in Section 17 apply to areas not addressed in this section with the exception of 17. (7) that limits the number of times a member of Council can participate through electronic means.

*Formally #17, and renumbered by Bylaw 2337 with new sections 17 & 18 inserted.

Voting at Meetings

19. (1) The following procedures apply to voting at Council meetings:
- (a) when debate on a matter is closed, the Chairperson must put the matter to a vote of Members;
 - (b) after the Chairperson finally puts the question to a vote, a member must not speak to the question or make a motion concerning it;
 - (c) the Chairperson's decision about whether a question has been finally put is conclusive;
 - (d) whenever a vote of Council on a matter is taken, each member present will signify their vote by raising their hand; and
 - (e) the Chairperson must declare the result of the voting.
- (2) Every Council member present when a question is put will be expected to vote unless they make a declaration under the provisions of the *Community Charter*, regarding conflict of interest, in which case the provisions of that section apply and in such cases they will not participate in the discussion or vote but must leave the Chambers until the vote is taken at which time they may resume their seat.
- (3) Should any member in attendance refrain from voting when any question is put, for any reason other than situations pertaining to provisions of the *Community Charter*, regarding conflict of interest, the member will be regarded as having voted in the affirmative and the vote will be counted accordingly.
- (4) A speaker may not speak against the motion they have made, but may choose to vote against it.
- (5) All acts whatsoever authorized or required by the *Community Charter*, to be done by the Council, and all other questions, including questions of adjournment, that may come before the Council will, save where otherwise so expressed, be done and decided by the majority of the members of Council present at the meeting.
- (6) In all other cases where the votes of the members then present, including the vote of the Chairperson, are equal for and against a question, the question will be

defeated, and it will be the duty of the Chairperson to so declare.

- (7) The name of any member who voted in the negative on a question will be recorded in the minutes of such meeting.
- (8) When the question under consideration contains distinct propositions, upon request of any member, the vote upon each proposition will be taken separately.
- (9) When a regular meeting is to be adjourned to go into a Public Hearing or Public Meeting (Development Variance Permit) it will be noted in the agenda and noted verbally by the Chairperson as follows:

MEETING POSTPONE (ADJOURNMENT)

The Regular Council meeting will be called to order and following consideration of the agenda, minutes and any special presentations the meeting will be postponed (adjourned) at this point in the agenda of the Regular Council meeting in order to continue or begin the public hearing.

The regular meeting will be reconvened directly following the adjournment or conclusion of the noted Public Hearing/Meeting here at (location: City Hall Council Chambers) later this same evening.

~~In the circumstance the Public Hearing for Bylaws (No. xxxx) is not concluded by 7:00 p.m. the regular Council meeting will be called to order and at this point in the agenda the meeting will be postponed (adjourned) in order to continue the public hearing.~~

~~The regular meeting will be reconvene directly following the adjournment or conclusion of the noted Public Hearing here at (location: City Hall Council Chambers) later this same evening. Replaced by Bylaw 2338.~~

Presentations on a Regular Agenda

20. (1) A presentation by the Mayor or a Councillor at a Council meeting shall only pertain to:
 - (a) events attended as a representative of the City; or
 - (b) information on community events and activities.
- (2) Presentations by a Member to Council will be limited to a maximum of five (5) minutes.
- (3) Presentations by invited guests at a Council meeting will be limited to a maximum of ten (10) minutes.
~~Presentations by an invited guests at a Council meeting will be limited to a maximum of ten (10) minutes.~~

~~Presentation time by an invited guest can only be extended by Council by unanimous vote of all present members of Council.~~
Replaced by Bylaw 2338

21. Consent Agenda (amended by Bylaw 2338)

- (1) A Consent Agenda can be utilized to help streamline meetings with a large volume of items. Items listed under the Consent Agenda section are considered for approval in one (1) motion, unless a member wishes to debate an item and requests that it be excluded. If an item is excluded from the Consent Agenda, it will be considered as an agenda item. The rule of order establishing a Consent Agenda provides that Consent Agenda items may be considered in total without debate or amendment. Items will be listed in the Consent Agenda section and will include items received “for information” (no action), or in the opinion of the Mayor, Chief Administrative Officer and/or Director of Corporate Administration, require little or no discussion.
- (2) Items can be removed from the consent agenda at the request of a member of Council.

22. Question and Answer Period (added by Bylaw 2277 and renumbered accordingly)

- (1) Question and Answer Period will be included toward the start of the regular Council meeting (following Meeting Minutes approval or any special presentations to be made by Council). This will be an opportunity for the public to ask questions and make comments.

~~Question and Answer Period will be included toward the start of the regular Council meeting (following Meeting Minutes approval). This will be an opportunity for the public to ask questions and make comments.~~ Replaced by Bylaw 2338.

- (2) Questions will be addressed to the Chairperson. If there are questions for an individual member of Council, they will be addressed through the Chairperson for direction.

- (3) Question and Answer Period will be timed, not to exceed 15 minutes unless Council wishes to extend Question and Answer Period just prior to the conclusion of the regular Council meeting. Extension for a further 15 minutes at that time may be permitted by majority vote of Council. No further extensions will be permitted for that evening for Question and Answer Period.

- (4) Each speaker will be given two (2) minutes, the speaker will be given one (1) opportunity to ask a question or make comment(s) during this time. In the circumstance there is still time from the original 15 minutes remaining and there are no further speakers a second opportunity may be provided.

- (5) The speaker will begin by stating their name and city of residence to be recorded in the minutes along with a summary of the question / comment(s). When the Chairperson does not have the information to provide for an immediate answer to the response it will be given in written format and placed on the city's website under this topic when the information is available.

~~The speaker will begin by stating their name and city of residence to be recorded in the minutes along with a summary of the question / comment(s). When the Chairperson does not have the information to provide for an immediate answer to the response it will be given in written format and included on the next agenda under this topic when the information is available.~~ Replaced by Bylaw 2338

- (6) An area on the website will be designated for a summary list of all the questions, comment topics and answers provided during Question and Answer Period so this item can be easily searched by the public.

- (7) There is to be no questions or comments on a matter that will be the subject of a public hearing or public meeting (example: Development Variance Permit). Questions that may be subject to the Freedom of Information and Protection of Privacy Act will be forwarded for a direct response through the FOI process.

~~There is to be no questions or comments on a matter that will be the subject of a public hearing or public meeting (example: Development Variance Permit). Questions that may be subject to Freedom of Information and Protection of Privacy will be forwarded for a direct response through the FOI process.~~ Replaced by Bylaw 2338

- (8) Question and Answer Period will not be conducted during the months of September and October of an election year.

Delegations / Petitions

23. (1) The Council may allow a Delegation to address the Council at a meeting on a topic provided a Delegation request form has been received by the Director of Corporate Administration by 8:30 a.m. on the Monday prior to the meeting. *(amended by Bylaw 2284)* If the Monday prior falls on a holiday, the form must be received by 8:30 a.m. the Tuesday prior. *(amended by Bylaw 2338)*
~~The Council may allow a Delegation to address the Council at a meeting on a topic provided a Delegation request form has been received by the Director of Corporate Administration by 4:30 p.m. on the Monday prior to the meeting.~~
- (2) A maximum of up to (4) four delegations will be permitted at any Council meeting. *(amended by Bylaw 2338)*
~~A maximum of five Delegations will be permitted at any Council meeting.~~
- (3) Each Delegation must be limited to a maximum of five (5) minutes; this time may only be extended by unanimous vote of all Members present.

- (4) The Mayor and Chief Administrative Officer or the Director of Corporate Administration must not permit a Delegation to address a meeting of the Council regarding:
- i. Any matter that will be the subject of a public hearing that is required under an enactment as a prerequisite to the adoption of a bylaw;
 - ii. Any matter that is undergoing a local area service process or counter petition process;
 - iii. Any matter which the City has commenced prosecution and on which judgment has not been rendered;
 - iv. The promotion of commercial products or services which have no connection to the business of the City;
 - v. Publicly tendered contracts or proposal calls for the provision of goods and services for the City, between the time that such contract or proposal call has been authorized and the time such contract or proposal call has been awarded by Council or City staff; and further
 - vi. A subject is beyond the jurisdiction of Council.
- (5) A delegate may only appear once per year in relation to a specific topic, such appearance is to be measured from the time of the last appearance on the matter. This includes the topic, any process, resolution or concerns regarding the topic or any review or assessment of the topic.
- (6) The Director of Corporate Administration determines the delegations scheduled for each agenda, and may schedule Delegations to a later Council meeting than requested. The Director of Corporate Administration finalizes the scheduled delegations based on subject matter. Applications beyond the limit of up to four (4) will also be scheduled to an alternate date. *(amended by Bylaw 2338)*
~~The Director of Corporate Administration may schedule Delegations to a later Council meeting than requested considering the subject matter or if there are already five (5) requests to appear as a Delegation at the same meeting.~~
- (7) A Delegation intending to give a Power Point presentation must supply the Director of Corporate Administration with a copy of the presentation by 8:30 a.m. on the Monday (or Tuesday if the Monday is a statutory holiday) prior to the meeting. The presentation will be reviewed by staff, to ensure that it is professional and relevant to the Council proceedings. If the Director of Corporate Administration is of the opinion that the Presentation is unprofessional or irrelevant the noted slides/pages will be removed or the entire presentation will be rejected. Staff will contact the delegation to inform if this is to occur.
(amended by Bylaw 2338)
~~A Delegation intending to give a Power Point presentation must supply the Director of Corporate Administration with a copy of the presentation by 8:30 a.m. on the Monday prior to the meeting. The presentation will be reviewed by staff, to ensure that it is professional and relevant to the Council proceedings. If the~~

~~Director of Corporate Administration is of the opinion that the Presentation is unprofessional or irrelevant the noted slides/pages will be removed or the entire presentation will be rejected. Staff will contact the delegation to inform if this is to occur. (amended by Bylaw 2284)~~

~~A Delegation intending to give a Power Point presentation must supply the Director of Corporate Administration with a copy of the presentation by 4:30 p.m. on the Monday prior to the meeting. The presentation will be reviewed by staff, to ensure that it is professional and relevant to the Council proceedings. If the Director of Corporate Administration is of the opinion that the Presentation is unprofessional or irrelevant the offending slides/pages will be removed or the entire presentation will be rejected. Staff will contact the delegation to inform if this is to occur.~~

(8) Every petition presented to Council by a Delegation, or otherwise, must include:

- (a) the date of the petition;
- (b) legible full names of each signatory petitioner with their address; and,
- (c) a statement at the top of the page clearly indicating why signatures have been collected.

(9) All petitions addressed to Council will be placed on the Council agenda for receipt. Petitions must be received by 8:30 a.m. on the Monday prior to the next regular scheduled meeting. Petitions received after this agenda deadline will be automatically placed on the next regular scheduled meeting agenda. (Amended by Bylaw 2284)

~~Petitions may also be submitted at a regular Council meeting during the Delegations and Petitions section of the agenda.~~

~~All petitions addressed to Council will be placed on the Council agenda for receipt. Petitions must be received by 4:30 p.m. on the Monday prior to the next regular scheduled meeting. Petitions received after this agenda deadline will be automatically placed on the next regular scheduled meeting agenda.~~

~~Petitions may also be submitted at a regular Council meeting during the Delegations and Petitions section of the agenda.~~

Point of Order (Question to the Chair: Are the rules of the meeting being followed?)

24. (1) The Chairperson will preserve order and decide all points of order which may arise, but subject to an appeal to the other members of the Council present.
- (2) Without limiting the Chairperson's duty under the *Community Charter*, the Presiding Member must apply the correct procedure to a motion:
- (a) if the motion is contrary to the rule of procedure in this Bylaw; and
 - (b) whether or not another Member has raised a point of order in connection with the motion.

- (3) When the Chairperson is required to decide a point of order:
 - i) first immediately suspend the debate;
 - ii) ask “What is your Point of Order?”;
 - iii) rule as to whether or not the point of order is valid; citing the applicable rule or authority, if required by another Member;
 - iv) another Member must not question or comment on the rule or authority cited by the Chairperson under subsection (2)(a);
 - v) the Chairperson may reserve the decision until the next Council meeting; and
 - vi) the Chairperson may direct the members to stand at ease (brief pause where members remain in their places until the Chairperson calls the meeting to order) while considering their decision.
- (4) If an appeal (disagreement with the ruling by the Chairperson) be taken by a member of the Council from the decision of the Presiding Member, the question will be immediately put, and decided without debate. “Will the Chair be sustained?” and the Chairperson will be governed by the vote of the majority of the other members of the Council then present, and the names of the members of the Council voting against the question “Will the Chairperson be sustained?” will be recorded on the minutes, and in the event of the votes being equal, the question will pass in the affirmative. The Chairperson will not be permitted to vote on an appeal of their decision hereunder.
- (5) If the Chairperson refuses to call the question “Will the Chairperson be sustained?” the Council will immediately appoint one of its members to preside temporarily, and the Chairperson temporarily appointed will proceed in accordance with (4) and in the event of the votes being equal, the question will pass in the affirmative.

Conduct and Debate

25. (1) A member may speak to a question or motion at a Council meeting only if that member first addresses the Chairperson.
- (2) A member must address the Chairperson by that person’s title followed by their surname: Mayor, Councillor, Deputy Mayor or Chairperson.
- (3) A member must address other non-Chairperson by the title of Councillor, Mayor or Committee Member followed by their surname.
- (4) No member may interrupt a member who is speaking except to raise a point of order.
- ~~(5)~~ If more than one member speaks, the Chairperson must call the member who, in the Chairperson’s opinion, first spoke.
- ~~(6)~~ A member who is called to order by the Chairperson:

- (a) must immediately stop speaking;
- (b) may explain their position on the point of order; and
- (c) may appeal to Council for its decision on the point of order in accordance with the *Community Charter*.

~~(7)~~ Member at a Council Meeting:

- (a) must use respectful language and avoid comment aimed disparagingly or hostilely at another member (*amended by Bylaw 2338*);
- (b) must not use offensive gestures or signs;
- (c) must speak only in connection with the matter being debated;
- (d) may speak about a vote of Council only for the purpose of making a motion that the vote be reconsidered / rescinded; and (*amended by Bylaw 2338*)
- (e) must adhere to the rules of procedure established under this bylaw and to the decision of the Chairperson and Council in connection with the rules and points of order.

~~(8)~~ If a member does not adhere to subsection (7), they may order the member to leave the member's seat and:

- (a) if the member refuses to leave, the Chairperson may cause the member to be removed by a peace officer or by the R.C.M.P.; and
- (b) if the member apologizes to the Council, Council, may, by resolution, allow the member to retake the member's seat.

(9) A member may require the motion being debated at a Council meeting to be read at any time during the debate, if that does not interrupt another member who is speaking.

(10) The following rules apply to limit speech on matters being considered at the Council meeting:

- ~~(a) a member may speak no more than twice for a maximum of five (5) minutes per time in connection with the same question unless:~~
 - ~~i. with the permission of Council by majority vote, or~~
 - ~~ii. if the member is explaining a material part of a previous speech while introducing a new matter; (deleted by Bylaw 2338)~~
- (b) the mover of the motion, after obtaining the floor from the Chairperson, will have the first opportunity to speak to the motion; and be permitted the opportunity of summation before the question is called.

(11) The following rules apply to all persons attending a City meeting. This includes participants, staff, and Members of the public.

Members of the public may attend to observe open council meetings. A Member of the public at a meeting must maintain decorum at all times. Interruptions of any kind are not permitted while the meeting is in progress.

In accordance with Human Resources Policy No. 405 (Workplace Harassment), *“Every employee has the right to work in a respectful atmosphere that promotes equal opportunities and is free from harassment, bullying and discrimination.”*

City meetings are working meetings for Council and staff; as such, outbursts, shouting (questions or comments), clapping, and booing/heckling are not permitted. Members of the public must view the meeting from the designated gallery/seating area established for the public (area away from the Council / Committee Member table or staff table) in most circumstances there will be chairs provided in the designated area ~~set-up~~. (deleted and amended by Bylaw 2338)

Council meetings, unless Closed as per the provisions of the *Community Charter*, are open to all Members of the public. If the public have signs or placards, they must not contain profanity or disrespectful language. Those with signs and placards may display their signs from the back of the room in order to ensure the sightline of others observing the meeting are not blocked.

Members of the public who do not adhere to the meeting conduct, as outlined in this bylaw, will be given a compliance warning. If a Member of the public is unwilling to do so, as per the *Community Charter*, the City reserves the right to request or have a person removed from the meeting.

- (a) If, in the opinion of the Chairperson, a Member of the public has contravened section 11(a) the Chairperson may issue a warning to the offender. A warning will consist of the following: The Chairperson will advise the offending individual or group of individuals the behavior is not in accordance with this bylaw. The offending individual(s) will be requested to provide their name and it will be noted in the meeting minutes (if name is not provided a description will be noted).

If the behavior continues, the Chairperson may, in accordance with the *Community Charter*, order that the offending individual or group is expelled from the meeting (c) Should the Chairperson determine expulsion from the meeting is required they will state the following:

“In accordance with the *Community Charter* Section 133, hereby order that (Persons Name or Description) be expelled from the meeting at this time due to the person acting improperly as follows: (state the offending behavior) thus interrupting the meeting proceedings.

If you do not leave the meeting at this time, the RCMP will be contacted and you will be escorted from these Council Chambers / City Hall.”

Motions

26. (1) A motion will be phrased in a clear and concise manner so as to express an opinion or achieve a result. When a motion has been moved by a member and seconded by another member, it is then a motion on the floor, and is deemed to be in the possession of Council, and such motion:
- (a) must be recorded in the minutes;
 - (b) the mover of the motion, after obtaining the floor from the Chair, will have the first opportunity to speak to the motion;
 - (c) the mover of the main motion will be permitted the opportunity of summation before the question is called; and
 - (d) may only be withdrawn by the mover and seconder of the motion, with the consent of ~~all~~ the majority of the members of Council present (any Member not in agreement must make this known by raising their hand to notify the Chairperson). *(deleted and amended by Bylaw 2338)*
- (2) A Council member may make only the following motions, when the Council is debating a question. These motions are numbered; the higher number determines the type of motion that must be considered prior to the lower number motion. Each of the following motions are required to be seconded:

	Motion/Purpose	Amendable	Debatable	Required Vote
1	Postpone Indefinitely	Amendable	Yes	Majority
2	Amend	Amendable if primary	Yes	Majority
3	Refer (to someone or somewhere)	Amendable	Yes	Majority
4	Postpone Definitely/Defers (until a certain time)	Amendable	Yes	Majority
5	Limit or Extend Debate	Amendable	No	2/3
6	End Debate and Amendments		No	2/3
7	Table (temporarily suspend consideration of an issue to address another topic). The Presiding Member would ask “For what reason?” and rule on it.		No	Majority

Voting Table for Reference Purposes:

Number of Votes Cast	Majority Vote	Two-Thirds Vote
1	1	1
2	2	2
3	2	2
4	3	3
5	3	4
6	4	4

7	4	5
8	5	6

- (3) A member may request that a motion that is on the floor, be read for information, at any time during the debate.
- (4) Amendments will be put to the question in the reverse order to that in which they have been moved. An amendment will be only to the main motion and will be decided or withdrawn before the question is put to the vote on the main motion. Only one amendment will be considered by Council at a time. Council may amend an amendment by way of a sub-amending motion. No amendment will alter in a material way the principle embodied in the main motion but should merely vary its terms in one or more particulars.
- (5) A motion to refer the subject matter to a Committee, until it is decided, will preclude all amendment(s) of the main motion.
- (6) At any time after a question has been proposed, any member may "call for the question" and unless the Chairperson considers such request is an abuse of the Rules of Procedure or an infringement of the rights of minority the original question will immediately thereafter be put and decided without further debate.
- ~~(7) Prior to the Question being called a member may request a motion to be read by either the Chairperson or the Director of Corporate Administration.~~
- ~~(8)~~ (7) Motions that are not seconded will not be included in the meeting minutes.
- ~~(9)~~ (8) A motion to conclude a meeting is not necessary. Following the completion of all agenda items, the Presiding Member may state: "This meeting is now concluded."
- (9) Motions that are withdrawn will not be included in the meeting minutes. *(amended by Bylaw 2338)*

Amending Motions

27. (1) A member, other than the mover of a motion, may propose an amendment to a motion, and subject to the provisions regarding sub-amendments, that amendment must be disposed of before any subsequent amendments are proposed.
- (2) When an amendment to a motion has been moved and seconded, the Chairperson must, if requested by a member, state the original motion and the amendment, and must permit debate only on the amendment.
- (3) If the amendment is defeated, debate may continue on the original motion, and if no further amendments are proposed, the Chairperson must call the question

on the original motion.

- (4) If an amendment is adopted and no further amendments are proposed, the Chairperson must then call the question on the original motion, as amended.
- (5) If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.

Sub-Amendments of Motions

- 28. (1) A member may propose a sub-amendment to an amendment, and the provisions of Amending Motions apply, so far as applicable to sub-amendments.
- (2) A member may not propose a sub-amendment to a sub-amendment.
- (3) The Chairperson must call the question on a motion which has been amended, in the following order:
 - (a) a sub-amendment, if any;
 - (b) an amendment to the original motion; and
 - (c) the original motion.

Scope of Amendments and Sub-Amendments

- 29. The amendments may take the form of the deletion, addition, or substitution of words or figures, provided such deletions, additions, or substitution do not, in the opinion of the Chairperson, affect the original motion, the amendment, or the sub-amendment, whichever is applicable, to the extent that it is either:
 - (a) negated, or
 - (b) changed in such a way that either an alternative motion is proposed, or all reference to the original motion, the amendment, or the sub-amendment, whichever is applicable, is eliminated.

Bringing Back Adopted Motions

- 30. (1) A Member who voted affirmatively for a resolution adopted by Council may at any time move to rescind that resolution.
- (2) A resolution or bylaw which was adopted may be brought back before Council by a motion to reconsider, rescind or amend something previously adopted, provided:
 - (a) Council has given due consideration to any actions taken by an officer, employee, or agent of the City; and

- (b) the resolution or bylaw has not had the approval of the electors or the assent of the electors.
- (3) A motion to reconsider or rescind an adopted resolution or bylaw:
 - (a) may be made at the same meeting; and
 - (b) may only be made by a Member who voted in favour of it.
- (4) A motion to rescind or amend an adopted resolution or bylaw:
 - (a) may be made at a future meeting, by a Member giving notice under Notice of Motion at a regular Council meeting; and
 - (b) may be made by any Member, regardless of how they voted the first time.
- (5) A motion to reconsider:
 - (a) is debatable;
 - (b) if adopted, the resolution or bylaw shall be reopened for debate; and
 - (c) if reopened for debate, may be referred, amended, postponed, or voted on for a second time.
- (6) A motion to rescind:
 - (a) Is debateable; and
 - (b) If adopted, the motion is no longer applicable, and it would be in order to move a subsequent motion.
- (7) If a motion to reconsider or rescind something previously adopted is defeated twice within three (3) months, the same or substantially the same motion to rescind or amend may not be renewed for at least six (6) months, except if Council, by a two-thirds majority vote, permits such renewal.

Bringing Back **Defeated** Motions

- 31. (1) A motion to reconsider a defeated motion of City Council will only be applicable to the votes taken on main motions, resolutions or bylaws, and will not apply to votes on secondary motions, i.e. to postpone, to refer, to table and to amend.
- (2) A resolution or bylaw which was defeated may be brought back for consideration by a motion to reconsider or rescind something previously defeated, provided:
 - (a) Council has given due consideration to any actions taken by an officer, employee, or agent of the City.
- (3) A motion to reconsider or rescind a defeated resolution or bylaw:
 - (a) may be made at the same meeting during which the resolution or bylaw was defeated
 - (b) may be made at the next regular Council meeting; and
 - (c) may only be made by a Council Member who voted against the resolution or bylaw (voted in favour), or who was not in attendance during the vote.

- (4) A motion to rescind a defeated resolution or bylaw:
 - (a) may be made at a future meeting, by a Member giving notice under notice of motion at a regular Council meeting; and
 - (b) may be made by any Member, regardless of how they voted the first time.
- (5) A motion to reconsider:
 - (a) is debatable
 - (b) if adopted, the resolution or bylaw shall be re-opened for debate; and
 - (c) if re-opened for debate, may be referred, amended, postponed or voted on for a second time.
- (6) A motion to rescind:
 - (a) is debatable; and
 - (b) if adopted, the motion is no longer applicable, and it would be in order to move a subsequent motion.
- (7) If a motion to reconsider or rescind something previously defeated is defeated twice within three (3) months, the same or substantially the same motion to rescind or amend may not be renewed for at least six (6) month, except if Council by a two-thirds majority vote, permits such renewal.

Reconsideration Requested by the Mayor

- 32. (1) Without limiting the authority of council to reconsider a matter, the Mayor may require the council to reconsider and vote again on a matter that was the subject of the vote.
- (2) As restrictions on the authority under subsection (1):
 - (a) the Mayor may only initiate a reconsideration under this section:
 - i) at the same council meeting as the vote took place; or
 - ii) within the 30 days following that meeting, and
 - (b) a matter may not be reconsidered under this section if:
 - i) it has had the approval of the electors or the assent of the electors and was subsequently adopted by the council, or
 - ii) there has already been a reconsideration under this section in relation to the matter.
- (3) On a reconsideration under this section, the council
 - (a) must deal with the matter as soon as convenient, and

- (b) on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.

Notice of Motion

33. (1) A Notice of Motion, if forwarded to the Director of Corporate Administration's office prior to the Council agenda deadline, will be placed on the upcoming regular meeting agenda under Motion and Notices of Motion with the requesting Member of Council's name so they may introduce the motion for consideration at that time or at a future meeting; or
- (2) During the Motion and Notices of Motion portion of a regular or special meeting of the Council, any Council Member may give a "Notice of Motion" respecting an item which they intend to present at a future meeting, upon the Member being acknowledged by the Chairperson and the Notice of Motion being read to the meeting.

The Member of Council ~~shall~~ may provide a written copy of the motion presented under this section the Director of Corporate Administration for inclusion in the Minutes of that meeting as a "Notice of Motion". The Director Corporation Administration shall place the motion on the Agenda of the next regular or special council meeting, or other future meeting designated by the Member of Council by bringing forward the Notice of Motion, for consideration. *(deleted and amended by Bylaw 2338)*

Reports from Committees

34. Council may take any of the following actions in connection with a recommendation(s) it receives from COTW or any of its Committees / Advisory Body:
- (a) agree or disagree with the recommendation(s);
 - (b) amend the recommendation(s);
 - (c) refer the recommendation(s) to staff;
 - (d) refer the recommendation(s) back to the originating committee or to another committee;
 - (e) postpone consideration of the recommendation(s); or
 - (f) receive for information. *(amended by Bylaw 2338)*

Communications to Council

35. (1) Communications intended to be presented to Council will:
- (a) be legibly written, typed or printed;

- (b) signed by a least one person; and
 - (c) include the name and ~~civic address~~ city of residence for each person who has signed the communication. *(deleted and amended by Bylaw 2338)*
 - (2) All communications which require a report may be referred by Council to any Committee, the CAO or to staff by formal resolution by Council for such referral.
36. (1) A Council may continue a Council meeting after ~~10:30 p.m.~~ 9:30 p.m. only by an affirmative majority vote of Members present. *(deleted by Bylaw 2338)*
- (2) At the close of a meeting of Council or Committee, the Chairperson will state “This meeting is now concluded” (motion to conclude is not necessary). *(amended by Bylaw 2338)*

PART 5 – PUBLIC HEARINGS

Rules of Public Hearing/Meetings

37. (1) Public Hearings must be held in accordance with the *Local Government Act*. A statement outlining the meeting conduct will be read at the start of the public hearing for the evening by either the Presiding Member or the Director of Corporate Administration. The statement must include the following points:
- (a) each person wishing to address Council will be given a maximum of five (5) minutes to speak;
 - (b) in order to speak, one must be acknowledged first by the Chairperson;
 - (c) once all in attendance have had the opportunity to speak, the Chairperson will ask again for anyone wishing to speak to come forward. Those speakers who have already addressed Council may speak again; however, speakers should refrain from repeating information that they have already presented to Council; and
 - (d) At the end of the public hearing the Chairperson will conclude the Public Hearing (motion to conclude is not necessary)

PART 6 – BYLAWS

Copies of Proposed Bylaws to Council

38. A proposed bylaw may be introduced at a Council meeting only if a copy of it has been delivered to each member with the agenda or where circumstances prevented a copy of the bylaw from being delivered to each Member with the agenda, with an affirmative majority vote of Members present.

Form of Bylaws

39. A bylaw introduced at a Council meeting must:
- (a) be available in hard copy for review by Council;
 - (b) have a distinguishing name;
 - (c) have a distinguishing number and
 - (d) be divided into sections.

Bylaws to be Considered Separately or Jointly

40. Council must consider a proposed bylaw at a Council meeting either:
- (a) separately when directed by the Chairperson or required by a member; or
 - (b) jointly with other proposed bylaws in the sequence determined by the Presiding Member.

Reading and Adopting Bylaws

41. (1) The reading of a proposed bylaw may be given by stating its short title or by reference to the bylaw number provided a copy of the proposed bylaw has been included in the agenda.
- (2) First, second and third reading of the Bylaw may consist of debate upon the general principles of the Bylaw.
- (3) The bylaw may be given first and second reading or first, second and third readings in one (1) motion at the same Council meeting provided a copy of the proposed bylaw has been included in the agenda or hard copy has been placed on table for consideration.
- (4) The only motion required for the final adoption of a bylaw after consideration shall be “That Council give “bylaw title or number” final reading”, may be noted in this short form if included in the agenda or a hard copy has been placed on table.
- (5) A proposed bylaw may be amended at any time during the first three (3) readings unless prohibited by the *Community Charter*.
- (6) Unless otherwise provided, each reading of a proposed bylaw must receive the affirmative vote of a majority of Members present.
- (7) Notwithstanding the *Community Charter* and in accordance with the *Local Government Act*, Council may adopt a proposed official community plan or

zoning bylaw at the same meeting at which the plan or bylaw was given third reading.

- (8) The Director of Corporate Administration may consolidate one or more of the City's bylaws for convenience purposes.

Bylaws Must be Signed

42. After a bylaw is adopted, and signed by the Director of Corporate Administration or designate and the Chairperson of Council at which it was adopted, the Director of Corporate Administration must have the bylaw placed in the City's records for safekeeping. *(amended by Bylaw 2338)*

PART 7 – COMMITTEE OF THE WHOLE (COTW)

43. (1) A COTW meeting can be called:
- (a) at any time by the Mayor; and
 - (b) at any time during a council meeting, Council may, by resolution, go into COTW.

Notice of Committee of the Whole Meetings

44. (1) Subject to subsection (2), a notice of the day, hour and place of a COTW meeting must be given at least 24 hours before the time of the meeting by;
- a) posting a copy of the notice at the Public Notice Posting Place; and
 - b) leaving a copy of the notice for each member in the member's mailbox at City Hall; and
 - c) e-mailing Council.
- (2) Subsection (1) does not apply to a COTW meeting that is called, in accordance with section 40 during a Council meeting for which public notice has been given pursuant to this Bylaw.

During a Council meeting, Council may resolve to go into a COTW by a resolution "...that the Council do now resolve itself into a Committee of the Whole." The Chairperson of the Council Meeting will release the Chair. The Chairperson of the COTW (the Deputy Mayor) will then assume control of the COTW meeting. When all matters referred to a COTW have been considered, a question will be called on a motion to revert back to the regular meeting.

Chairperson at COTW Meetings

45. (1) The current Deputy Mayor will act as the Chairperson of COTW.
 (2) In the current Deputy Mayor's absence the next scheduled Deputy Mayor in the rotation that is present will take the role as Chairperson of COTW. *(amended by Bylaw 2338)*

Conduct and Debate

46. The rules of the Council will be observed in Committee of the Whole, so far as may be applicable, except that the number of times that a Member may speak on any question will not be limited, and debate may occur prior to a motion being made.

PART 8 – COMMITTEES (INCLUDING COMMITTEE OF THE WHOLE WHERE NOT SPECIFICALLY ADDRESSED UNDER PART 7)

Duties of Standing Committees

47. (1) Standing Committee members may consider, inquire into, report and make recommendations to Council on the following matters:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by Council; and
 - (c) matters that are assigned by the Mayor.
- (2) Notwithstanding section 43 (1) Standing Committees consisting of all members of Council may deliberate on all matters in 43(1) but will forward only matters onto Council that pertain to Council policy, bylaws and legislated items for a decision of Council; all other matters will be handled at the Committee level.

Duties of Select Committees / Advisory Bodies *(amended by Bylaw 2338)*

48. (1) Select committees may consider, inquire into, report and make recommendations to Council about matters referred to committee by Council, the Chief Administrative Officer, Staff Liaison or items brought forward by Committee members that are described in the Committee's mandate / Terms of Reference.
- a) **Sub-committees:** A committee may appoint members to a sub-committee to inquire into matters and to report and make recommendations to the committee for a specific purpose. A sub-committee may be formed in the circumstance there is a heavy workload and there are items that can be broken down and worked on with the sub-committee's advice and recommendations coming back to the originating committee. Meetings of

the sub-committee are open to the public (subject to statutory closed meeting matters under s. 90 *Community Charter*, must include agenda, meeting minutes and be posted just as a committee meeting held by the City of White Rock.

- b) **Working Groups:** A committee, sub-committee, or task force may form a working group for the limited purpose of:
- (a) gathering, summarizing or preparing a presentation of information, including research and analysis, to deliver to the originating Advisory Body, or
 - (b) carrying out a specific prescribed activity (ex. parade float production, taking available information and placing it into a specified format for the originating Advisory Body.

Due to the limited nature of the working group, they would perform their work on their own. If a working group provides advice and recommendations or an opinion on matters of policy to Council, a committee or a subcommittee, then it may be characterized as a sub-committee and not a mere working group - this type of work is to be done in the committee or subcommittee meeting format so the public have the opportunity to see and hear how recommendations to Council are formed. A working group does not meet in a formal circumstance (no agenda, meeting minutes, meeting notice is required). *(amended by Bylaw 2338)*

- (2) ~~Select committees must report and make recommendations to Council when directed by Council resolution.~~ All advisory bodies must report and make recommendations to Council when directed by Council resolution. *(deleted by Bylaw 2338)*
- (3) Members of Council may be appointed to Advisory Bodies of Council to serve as a Council Liaison or the Council Liaison Alternate. Council Liaisons attend meetings, participate/contribute to discussions, and offer information from a City / Council perspective. A Council Liaison will provide context to matters referred to the Committee, and report updates and introduce recommendations at the Regular Council meetings when brought forward for consideration. A Council Liaison monitors discussions to ensure they coincide with Council's Corporate Priorities. *(amended by Bylaw 2338)*

Schedule of Committee Meetings

49. (1) At the first meeting after its establishment, a select committee / Advisory Body will review and adopt the established regular schedule of meetings distributed by the Corporate Administration Office. *(amended by Bylaw 2338)*

- (2) Standing Committees meet as the need arises; items are brought forward by staff in accordance with the Committee mandate and agendas will be provided at the same time and means as the regular Council meeting agendas or at a minimum 24 hours prior to the meeting date. *(amended by Bylaw 2338)*

Note: Standing Committees that consist of all Members of Council in most cases but not all will hold their meetings on the same days as regular Council meetings are scheduled (example: Land Use and Planning, Governance and Legislation, Finance and Audit Committee). *(amended by Bylaw 2338)*

Agendas for Committee Meetings

50. (1) The deadline for submissions by the staff and by the public to the Committee Clerk or the Director of Corporate Services of items for inclusion on the Agenda for the Committee meeting must be by ~~noon on the Wednesday prior to the Committee meeting~~ four (4) business days prior to the Committee meeting. *(deleted and amended by Bylaw 2338)*
- (2) If there are no agenda items for meeting received by noon on the day ~~that is one (1) week prior to the meeting the Committee Clerk will inform the Chairperson, Council and staff Liaisons and will cancel the Committee meeting,~~ in accordance with 47.(1) the Committee Clerk will inform the Chairperson, Council and staff Liaisons and the meeting will be cancelled. *(deleted and amended by Bylaw 2338)*

Council Liaisons to City Committees / Advisory Bodies

51. The Councillor Liaison to the City committee are non-voting. The function for a Councillor Liaison for the City committees includes:
- Attending the Committee meetings, when unable to attend to contact the Alternate Councillor Liaison to arrange for their attendance (inform the Committee Clerk of the known to be absence)
 - As a representative of Council, participate and contribute in discussions and offer information from a Councillor's perspective
 - Introduce and provide background to topics referred to the Committee by Council in order to provide guidance with respect to what Council is seeking from the referral
 - Monitor topics and discussion that coincide with Council's Corporate Priorities
 - Be the spokesperson / answer questions on behalf of the Committee while at the Council table when recommendations come forward

The Councillor Liaison (Alternate) to a City Committee/ Advisory Body functions include:

- Attending the Committee meetings when the primary Councillor Liaison is unable to attend

- The Alternate may attend the Committee meetings at any time; however, when they are there and the primary Council Liaison is also there, the Alternate must let the primary Councillor Liaison fulfil the functions as noted in this section
- If both the Council Liaison and the Alternate are in attendance the Alternate may sit as an audience member or at the Committee table but in both circumstances the primary Council Liaison would be responsible to perform the functions of the role

The Council Liaisons to each committee work together as a team with a common goal, let the Committee do their work but ensure they are aware of Council works and their Corporate Priorities. *(added by Bylaw 2338)*

Notice of Committee Meetings

52. (1) Subject to subsection (2), after the Committee has reviewed the established regular schedule of committee meetings, including the times, dates and places of the committee meetings, notice of the schedule must be given by:
- (a) posting a copy of the schedule at the Public Notice Posting Place; and
 - (b) providing a copy of the schedule to each Member of the Committee.
- (2) Where revisions are necessary to the annual schedule of Committee meetings, the Committee Clerk or the Director of Corporate Administration must post a ~~notice and a~~ revised schedule as soon as possible at the Public Notice Posting Place and a copy will be placed on the City Website. *(deleted and amended by Bylaw 2338)*
- (3) The Committee Clerk or the Director of Corporate Administration must ensure a notice of the day, time and place of a meeting called ~~under section 43 (2)~~ is given or sent to all Members of the Committee at least 24 hours before the time of the meeting. *(deleted by Bylaw 2338)*

Attendance at Committee Meetings

53. (1) Members of the public may attend committee meetings that are not closed in accordance with the *Community Charter*, to observe only.

Presentations at Committee Meetings

54. (1) When deemed relevant to the discussion of a particular item of business under consideration by the Committee, the Chairperson may, with majority consent of those Committee members in attendance, give permission to a member of the public in attendance to speak to the item in question.
- (2) At Standing Committees meetings, where the members are comprised of all of Council, a presentation will be permitted regarding an item on the agenda

where the presenter could outline the intent of an application or give professional insight to a subject matter. A presentation of this nature must not exceed 10 minutes unless agreed to by a majority of members present. ~~In this case a notation will be made on the agenda to indicate that there is a presentation expected.~~ (deleted by Bylaw 2338)

Minutes of the Committee Meetings

55. Minutes of the proceedings of a Committee must be:
- (a) legibly recorded;
 - (b) certified by the Committee Clerk;
 - (c) open for public inspection in accordance with the *Community Charter*; and
 - (d) motions are to be recorded as recommendations that would be forwarded to Council for ratification, unless they are by a Standing Committee of Council that is comprised of all members of Council and the Terms of Reference states contrary, the Terms of Reference in this circumstance will be followed.

Conduct and Debate

56. (1) The rules of the Council procedure must be observed during Committee meetings, so far as is possible and unless as otherwise provided in this bylaw.
- (2) Persons attending a meeting of a Committee, of which they are not a member, may participate in the discussion only with the permission of a majority of the Committee Members present.
- (3) The Committee Clerk is there to help ensure the City's process and legislation are known and adhered to. It is the City's expectation that when the Committee Clerk states an item of concern or when they give direction in regard to meeting process that it would be adhered to. (amended by Bylaw 2338)

Terms of Reference

57. Council must approve all of the City's Committee Terms of Reference.

PART 9 – GENERAL

58. If any provision of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
59. A motion to censure may be used to express Council's indignation with a Council member's conduct regarding Council business. A motion of this nature would be used

only in extra-ordinary circumstances, where the principles of the Respectful Workplace Policy has not been adhered to, and will be:

- (a) seconded;
- (b) debatable;
- (c) amendable;
- (d) requires a majority vote;
- (e) and will be recorded in the Council meeting minutes.

56. “*The White Rock Council Procedure Bylaw, 2015, No. 2105*” and all amendment are hereby repealed.

RECEIVED FIRST READING on the	29 th	day of	January, 2018
RECEIVED SECOND READING on the	29 th	day of	January, 2018
RECEIVED THIRD READING on the	29 th	day of	January, 2018
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ADOPTED on the	19 th	day of	February, 2018

MAYOR

DIRECTOR OF CORPORATE ADMINISTRATION

**THE CORPORATION OF THE
CITY OF WHITE ROCK
BYLAW 2232
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THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: September 20, 2021

TO: Governance and Legislation Committee

FROM: Jim Gordon, P.Eng., Director, Engineering & Municipal Operations

SUBJECT: Property Encroachment on City Land Update

RECOMMENDATIONS

THAT the Governance and Legislation Committee:

1. Endorse, staff continuing to administer the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment.
 2. Provide direction on whether exceptions to the Street and Traffic Bylaw for minor encroachments be considered on a case by case basis through Encroachment Agreements that set out annual insurance requirements, maintenance, property rental and unilateral termination by the City, and whether property rental rates of \$10/ft to be included in the Fees and Charges Bylaw.
-

EXECUTIVE SUMMARY

Council gave direction on November 18, 2019 that staff administer the Street and Traffic Bylaw with respect to new encroachments as well as at the time of property redevelopment. Further to this direction, the Governance and Legislation Committee met on July 12, 2021 and requested a Corporate Report that reviews the definition of encroachments and the potential for exclusions to be defined in the Bylaw and that an application and permitting process be considered for exceptions to the Bylaw. Attached as Appendix A is an excerpt from the July 12, 2021 Governance & Legislation Meeting Minutes.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
2019-528 November 18, 2019	Directs staff to continue to administer the Street and Traffic Bylaw with respect to new encroachments as well as at the time of property redevelopment.
2021-G/L-071 July 12, 2021	THAT the Governance and Legislation Committee direct staff to bring forward a corporate report that reviews the definition of encroachments, consideration of small bushes, irrigation being excluded as an encroachment, if the encroachment bring beauty for the City, as well as any safety/ legal concerns. Motion CARRIED (7 to 0)

INTRODUCTION/BACKGROUND

Encroachments are defined in Investopedia as:

“The term encroachment refers to a situation in real estate where a property owner violates the property rights of his neighbor by building on or extending a structure to the neighbor's land or property intentionally or otherwise. Encroachment is often a problem along disputed property lines where a person intentionally chooses to violate his neighbor's boundaries, or when a property owner is not aware of his boundaries.”

Section 35 of the Street and Traffic Bylaw addresses encroachments:

“No person shall excavate in, cause a nuisance on, encumber, obstruct, injure, foul, improve or damage any portion of any highway, or other public place, without first obtaining a Permit.”

Permits are intended for temporary construction works or driveways. If Council decides to allow long term encroachments, an Encroachment Agreement would be required.

Staff continue to administer the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment. This Council direction is nuanced to include administering the Bylaw in situations where encroachments affect Council projects such as the Centre Street Walkway Upgrade.

Concern was expressed at the July 12, 2021 Governance and Legislation meeting about encroachments along road ends. Questions were also raised about potential exclusions to the Bylaw and a permitting mechanism for exceptions.

DISCUSSION

The Corporate Report dated November 18, 2019, “Preserving Road Right of Ways for a Sustainable City” attached as Appendix B provides details on the importance of maintaining public right of ways from an environmental perspective and for public use, such as sidewalks, utilities, bus stops etc. Further to this report, an argument can also be made that public property, including right of ways, should not be given away without compensation.

Some encroachments, including irrigation or small bushes, could be considered improvements for public benefit; however, they do pose legal liability for the City and present long term entitlement challenges if allowed to remain. If Council decides to allow these types of encroachments, they can be permitted on a case by case basis through Encroachment Agreements that set out annual insurance requirements, maintenance, property rental and unilateral termination by the City. A small number of these Agreements currently exist; however, they need to be brought up to date and administered annually to ensure that all Agreement provisions are consistent, enforceable and followed.

Although members of the Governance and Legislation Committee asked that small bushes or shrubs be excluded from application of the Bylaw, this is not recommended as these bushes still present liability to the City, could grow to present challenges, and preclude public use of the publicly owned right of way without compensation. A better solution would be to consider providing exceptions for these installations by Encroachment Agreements on a case by case basis.

Members of The Governance and Legislation Committee also noted significant encroachments on City road ends. These can best be addressed through roadway upgrades such as the Centre Street Walkway Upgrade and included in the Financial Planning Process.

FINANCIAL IMPLICATIONS

There are ongoing staffing costs incurred in administering the Street and Traffic Bylaw with respect to encroachments. Providing a process for exceptions by Encroachment Agreement will incur additional staff costs but these could be recovered through the implementation of rental fees.

Given that a sample of land values in White Rock for 2020 ranged from \$180/ft to \$200/ft and a low return on investment (ROI) of 5%, a case could be made for annual rental rates of approximately \$10/ft. For example, a rental rate for a two foot encroachment on a 66 foot lot would be approximately \$1,300 per year.

LEGAL IMPLICATIONS

Allowing new encroachments increases the City's liability risk. Encroachment Agreements provide a mechanism to mitigate risk to the City should Council decide to make exceptions to the Street and Traffic Bylaw.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

If Council decides to change direction, communication could be made through the City website, e-newsletter, newspaper ads, or mailouts.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

In extreme cases, the Bylaw Division of the Planning and Development Department would be requested to assist with Street and Traffic Bylaw enforcement.

CLIMATE CHANGE IMPLICATIONS

Climate change implications are noted in the November 18, 2019 Corporate Report "Preserving Road Right of Ways for a Sustainable City". Many of these considerations, especially the importance of stormwater infiltration and preservation of tree canopy, were discussed in detail at the Environmental Advisory Committee (EAC).

ALIGNMENT WITH STRATEGIC PRIORITIES

Administering the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment is consistent with Council's Environmental Strategic Priorities.

OPTIONS / RISKS / ALTERNATIVES

It is recommended that Council direct staff to continue administering the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment. If Council wishes to make exceptions to the Street and Traffic Bylaw for minor encroachments, it is recommended that these be permitted on a case by case basis through Encroachment Agreements that set out annual insurance requirements, maintenance, property rental and unilateral termination by the City along with proposed property rental rates of \$10/ft that would be included in the Fees and Charges Bylaw.

The following alternative options are available for Council's consideration:

1. Direct the discontinuation of Street and Traffic Bylaw administration and allow new encroachments, exposing the City to increased risk and loss of public space.
2. Direct that all existing encroachments be removed. This would involve the hiring of numerous additional staff to address the approximate 800 existing encroachments (approximately 20% of properties).
3. Define exclusions to the Bylaw such as small shrubs; however, this would expose the City to increased legal liability and future difficulties if the boulevard is required for community purposes.

CONCLUSION

The Corporate Report dated November 18, 2019, “Preserving Road Right of Ways for a Sustainable City” attached as Appendix A provides details on the importance of maintaining public right of ways from an environmental perspective, and for public use, such as sidewalks, utilities, bus stops etc. Further to this report, an argument can also be made that public property, including right of ways, should not be given away without compensation.

It is recommended that Council direct staff to continue administering the Street and Traffic Bylaw with respect to new encroachments and at the time of redevelopment.

If Council wishes to make exceptions to the Street and Traffic Bylaw for minor encroachments, it is recommended that these be permitted on a case by case basis through Encroachment Agreements that set out annual insurance requirements, maintenance, property rental and unilateral termination by the City along with charging proposed property rental rates of \$10/ft to be included in the Fees and Charges Bylaw.

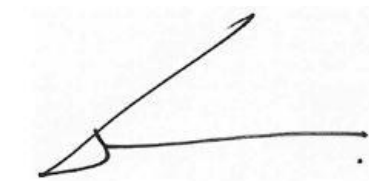
Respectfully submitted,



Jim Gordon, P.Eng.,
Director, Engineering & Municipal Operations

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.



Guillermo Ferrero
Chief Administrative Officer

Appendix A: Minutes Excerpt from July 12, 2021 Governance & Legislation Meeting
Appendix B: Preserving Road Right of Ways for a Sustainable City Corporate Report dated November 18, 2019

APPENDIX A

Minutes Excerpt from July 12, 2021 Governance & Legislation Meeting

5. ENCROACHMENTS

Councillor Manning requested this item be brought to the Committee for discussion.

The Director of Engineering and Municipal Operations notes that *"staff continue to administer the Street and Traffic Bylaw provisions as per Council direction in November 2019. Specifically, we **"administer the Street and Traffic Bylaw with respect to new encroachments as well as at the time of property redevelopment."***

Discussion ensued, and the following points were noted:

- Staff clarified that having clear direction from Council on this topic would be helpful in terms of enforcement.
- Types of encroachments were discussed. For example, differences were noted in adding a fence around an encroachment compared to the planting of a small shrub.
- Encroachments that impact Council priorities, such as Centre Street Walkway project, would need to be enforced. Communication surrounding why this is happening (beatification of the City) may help residents understand this process.
- Want to stop the proliferation of new encroachments, hard to take back old encroachments unless there is a project underway that could effect this.

- Road ends should be prioritized and re-utilized/ promoted by the City.
- Having consistency with enforcement for encroachments is important.
- Harder to restore previous encroachments, but can draw a line with new encroachments to ensure that these are not permitted moving forward. Staff clarified that currently no encroachment are “permitted”.

3

- The definition of encroachments in the City needs to be reviewed and discussed. For those residents with an encroachment on their property, they need to be aware that this is City property and as such the City has the right to remove it if required.
- New wording within the Street and Traffic bylaw was encouraged, which provides guidance as to what is acceptable and what is not. Also suggested that an application process/ permitting process be considered for exceptions. If there is a permit there is wording to notify that the City still has the right to take back the land at any time at their expense.

Motion Number: 2021-G/L-071

It was MOVED and SECONDED

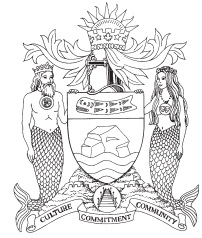
THAT the Governance and Legislation Committee direct staff to bring forward a corporate report that reviews the definition of encroachments, consideration of small bushes, irrigation being excluded as an encroachment, if the encroachment bring beauty for the City, as well as any safety/ legal concerns.

Motion CARRIED (7 to 0)

APPENDIX B

Preserving Road Right of Ways for a Sustainable City Corporate Report dated November 18, 2019

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: November 18, 2019

TO: Mayor and Council

FROM Jim Gordon, P.Eng., Director of Engineering & Municipal Operations

SUBJECT: Preserving Road Right of Ways for a Sustainable City

RECOMMENDATION

THAT Council:

1. Receive for information the corporate report dated November 18, 2019 from the Director of Engineering and Municipal Operations titled “Preserving Road Right of Ways for a Sustainable City”; and
 2. Direct staff to continue to administer the Street and Traffic Bylaw with respect to new encroachments as well as at the time of property redevelopment.
-

INTRODUCTION

Many small steps taken by individuals and cities throughout the world are needed to address what is increasingly referred to as a “Climate Emergency”. White Rock can take initiatives to contribute to its share of the solution, including preserving road right of ways for green and social initiatives.

This report discusses the importance of road right of ways in a sustainable City and presents options for Council consideration.

PAST PRACTICE / POLICY / LEGISLATION

The City’s Street and Traffic Bylaw contains provisions prohibiting private encroachments on City right of way.

ANALYSIS

A combination of factors contribute to an environmentally and socially sustainable City. A City where people can safely walk, bike or take transit to their destinations while interacting socially with others in a near natural environment is more sustainable than a City where single occupant vehicles are needed to traverse, hard surface corridors prone to flash flooding in the winter and heat sink conditions in the summer.

One way a city can become more sustainable is to use road right of way areas to implement the solutions shown below.

Sidewalks

Many areas in White Rock do not have sidewalks connecting to schools, transit, recreation or shopping areas, thereby contributing to a “vehicle forward” culture. The new Transportation Master Plan will identify sidewalk priorities for Council budget consideration. However, it will be difficult to construct needed sidewalks if the boulevards contain encroachments that are politically and financially difficult to remove. A proactive long-term plan to “free up” City owned boulevard space is required as outlined in this report.



This street in White Rock has no room for sidewalks. Removing the encroachments for a sidewalk could be challenging.



Example of a sidewalk in White Rock that ends at an encroachment.

When there is no sidewalk, people either walk on the road or use vehicles for even the smallest trips. Using a vehicle may avoid pedestrian safety issues, but it contributes to climate change and deprives residents of potential neighborhood social interactions.



People with mobility challenges are often the ones most affected by lack of sidewalks.



While the example pictured here does not show full use of the boulevard, there is enough space for a sidewalk so those with mobility challenges can travel on foot from

Tree Canopy

Large tall trees provide a canopy that shades and cools city streets. The trees also hold storm water and release it through evapotranspiration and provide stability to slopes. Together with walkways, large trees provide a pleasant environment where people can travel on foot and encourage socialization with neighbours.



This is a street in White Rock with a private parking area on the City right of way. There are no trees for shade and the hard surface will not retain rainwater.

Hard Surface Minimization & Storm Water Infiltration

The increasing amount of hard surface area in White Rock, together with climate change is increasing:

- the potential for flooding on local streets;
- erosion and washouts in the ravines carrying storm water, which causes private property damage and also puts the archaeological sites common in ravines at risk;
- the potential for slope failures along the hillsides throughout the City;
- the amount of grit and other materials washed into the ocean;
- the challenges of recharging our aquifer; and
- the amount of unfiltered water discharged into the Bay



This street in White Rock is almost completely hard surfaced to provide vehicle parking on the City right of way.

Reducing the amount of hard surface used for parking or buildings together with upgraded storm water facilities can help address the challenges of climate change peak flows.

Maintaining base flow infiltration to the water table is also important for a healthy City and can help mitigate drought conditions. Infiltrating and detaining storm water through rain gardens, and subsurface detention and infiltration pipes and structures helps maintain the water table. These measures require road right of way either for rain gardens or in ground infiltration and detention facilities.



Example of how the City's right of way space can be allocated for trees, walkways, greenspace and potentially subsurface rainwater infiltration for aquifer recharge.



This illustrates an example of an easy way to maintain the system of infiltration through the use of a buried permeable pipe with a peak overflow to the storm system. This will help maintain a healthy water table.

Road Safety – Sight Lines and Pedestrian Access

Encroachments on City road right of way may appear benign at first; however, they can grow to the point where they interfere with safety either through encouraging pedestrian access to the roadway or by restricting motorists' vision at intersections. There are legal firms that specialize in accident claims related to sight line obstructions at intersections.

The pictures below show examples of two encroaching hedges which will need to be frequently trimmed in order to preserve sight lines. The issue is that no one maintains these encroachments. Either the original owners have moved or they cannot maintain the plantings as they have grown out of control.



A frequent resident complaint is sight line issues caused by overgrown vegetation on the right of way.

City crews are often confronted by residents who do not want the vegetation pruned.



Bike Lanes

Dedicated bike lines provide increased cycling accessibility, especially for cyclists who may not be comfortable sharing a lane with traffic. These bike lanes require right of way space.



These dedicated bike lanes in the City require additional boulevard space.



Transit Stops



This recently updated transit stop in White Rock has enough space for a bench and an area for those in wheelchairs or scooters.



This transit stop is located where the City would like to install a wheelchair accessible bus stop. However, the plantings on the City right of way would have to be removed.

Fibre Optics Utility Network



This communication cable is located along the back of the sidewalk. Installing these cables in the roadway is much more expensive and may also conflict with other utilities.



The hedge shown in this picture could be problematic to remove as the adjacent resident may have become accustomed to the privacy it provides.

Potential People Movers – Funicular

If the City is to have a funicular or other type of people mover in the future, there will need to be unencumbered boulevard space for the installation.

DISCUSSION

Road right of way is needed for all of the above current and future needs for a sustainable City. Unfortunately, many areas of White Rock already have extensive encroachments and it is not practicable to go back and address the encroachments - some of which have been in place for decades. However, it is possible to work for a more sustainable future now by limiting new encroachments and addressing historic encroachments at the time of redevelopment.

While not inherently evident, each small step forward or backward, compounded over the next 10 or 20 years, will determine whether White Rock becomes a future green, sustainable City.

BUDGET IMPLICATIONS

Allowing new encroachments increases the City's risk and could also result in potential future costs of either litigating for removal or removing encroachments for needed infrastructure.



These two photos show an encroaching wood retaining wall and hedges installed by a private property owner.

The wood retaining wall has failed and is leaning into the sidewalk, reducing public access, and becoming a hazard to the public. The City asked the property owner to remediate the failed retaining wall. The property owner has refused, citing that the retaining wall is on City property and was installed by the previous property owner.



This unforeseen infrastructure remediation could cost the City \$20,000 – a financial burden that will be passed onto all White Rock taxpayers. Currently, the failed wall poses a potential liability to the City.

RISK MANAGEMENT

Allowing new encroachments increases the City's liability as the City still assumes the risk for encroached right of ways. See example above.

OPTIONS

Council has three options with respect to the Street and Traffic Bylaw:

1. Direct staff to continue to administer the Street and Traffic Bylaw with respect to new encroachments as well as at the time of property redevelopment.
2. Direct staff to administer the Street and Traffic Bylaw with respect to new encroachments and at the time of property redevelopment but with a process whereby residents and/or developers can appeal to Council for an exemption. This will require legal resources to investigate whether this is feasible and then potentially rewrite portions of the Bylaw
3. Permit new encroachments - This would require a rewrite of the Street and Traffic Bylaw and would require legal resources to provide, for example a permit, for the use of public land to private individuals. It would also increase City risk as the City could still be potentially liable for lawsuits emanating from the encroachment areas.

Staff recommend Option 1 and is incorporated into the recommendations at the beginning of this corporate report.

CONCLUSION

Many small steps taken now can lead to a more sustainable City in the future. One of these small steps is to prevent new right of way encroachments and to "take back" City land at the time of redevelopment.

When the gradual repatriation of right of way is combined with sidewalk, tree planting, cycling and transit initiatives, residents will be able to do their part towards reducing climate change through less vehicle use and more safe, pleasant walkable neighbourhoods. Other known right of way uses such as fibre optic or utility corridors together with future, as yet unenvisioned uses, could also contribute to making a more liveable City.

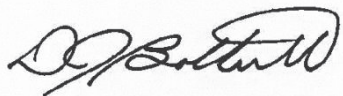
Respectfully submitted,



Jim Gordon P.Eng.,
Director of Engineering & Municipal Operations

Comments from the Chief Administrative Officer:

I concur with the recommendation(s) of this report.



Dan Bottrill
Chief Administrative Officer